

ZON04-00070



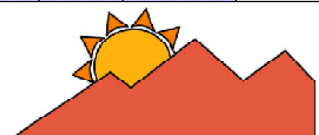
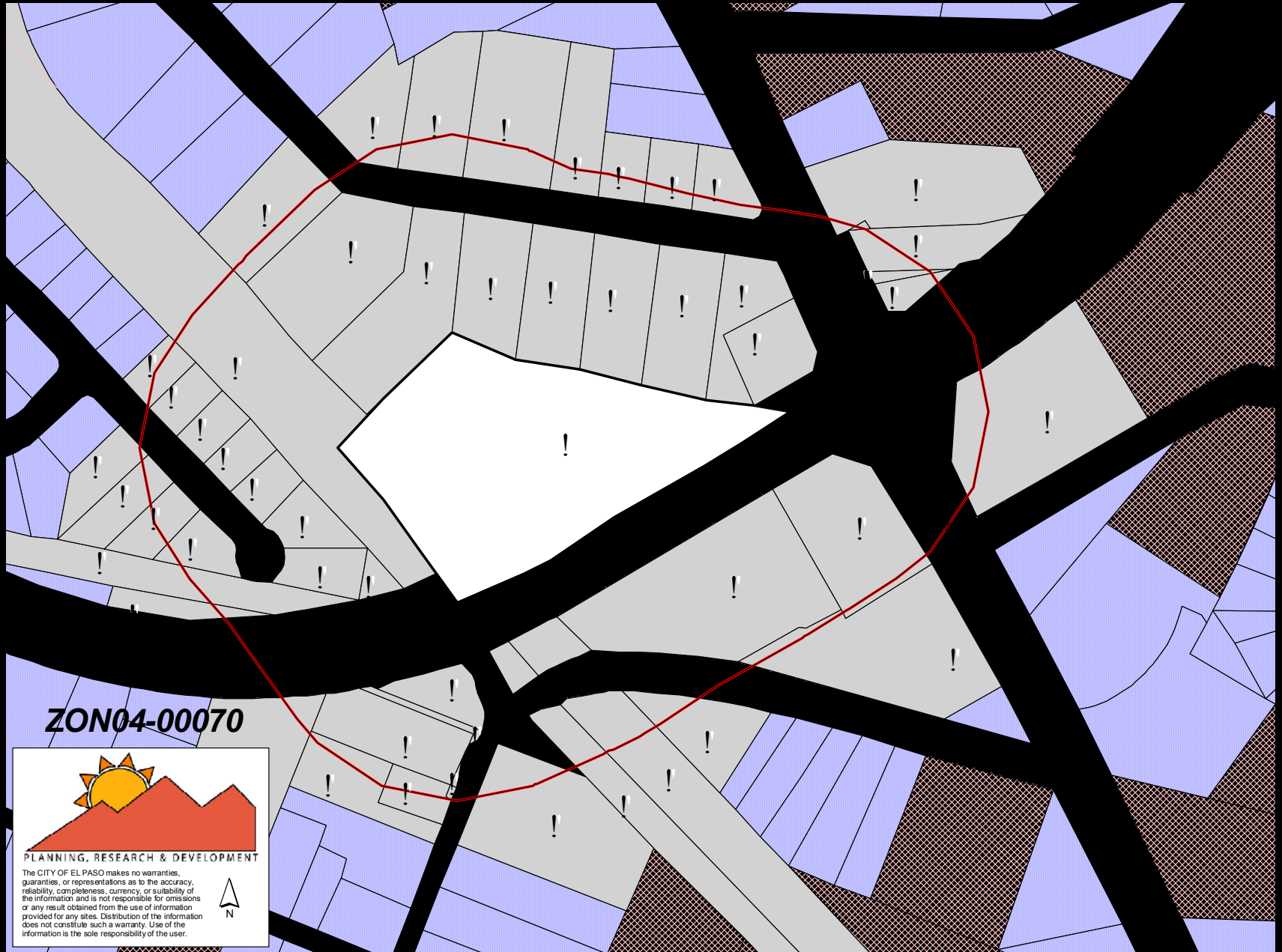
Subject Property

**ZON04-00070**





# ZON04-00070



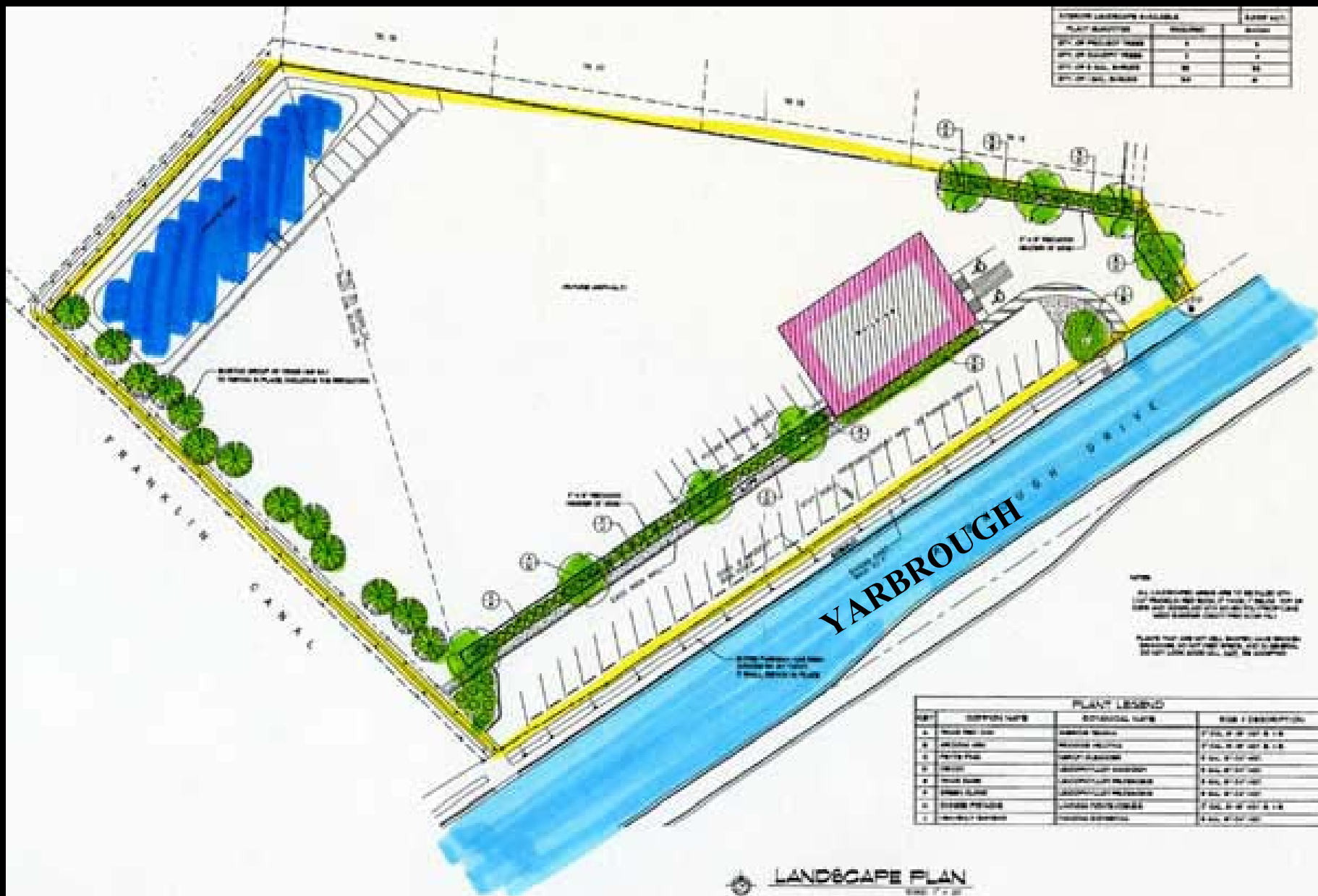
PLANNING, RESEARCH & DEVELOPMENT

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**ZON04-00070**



**ZON04-00070**





**ZON04-00070**



**ZON04-00070**



**ZON04-00070**



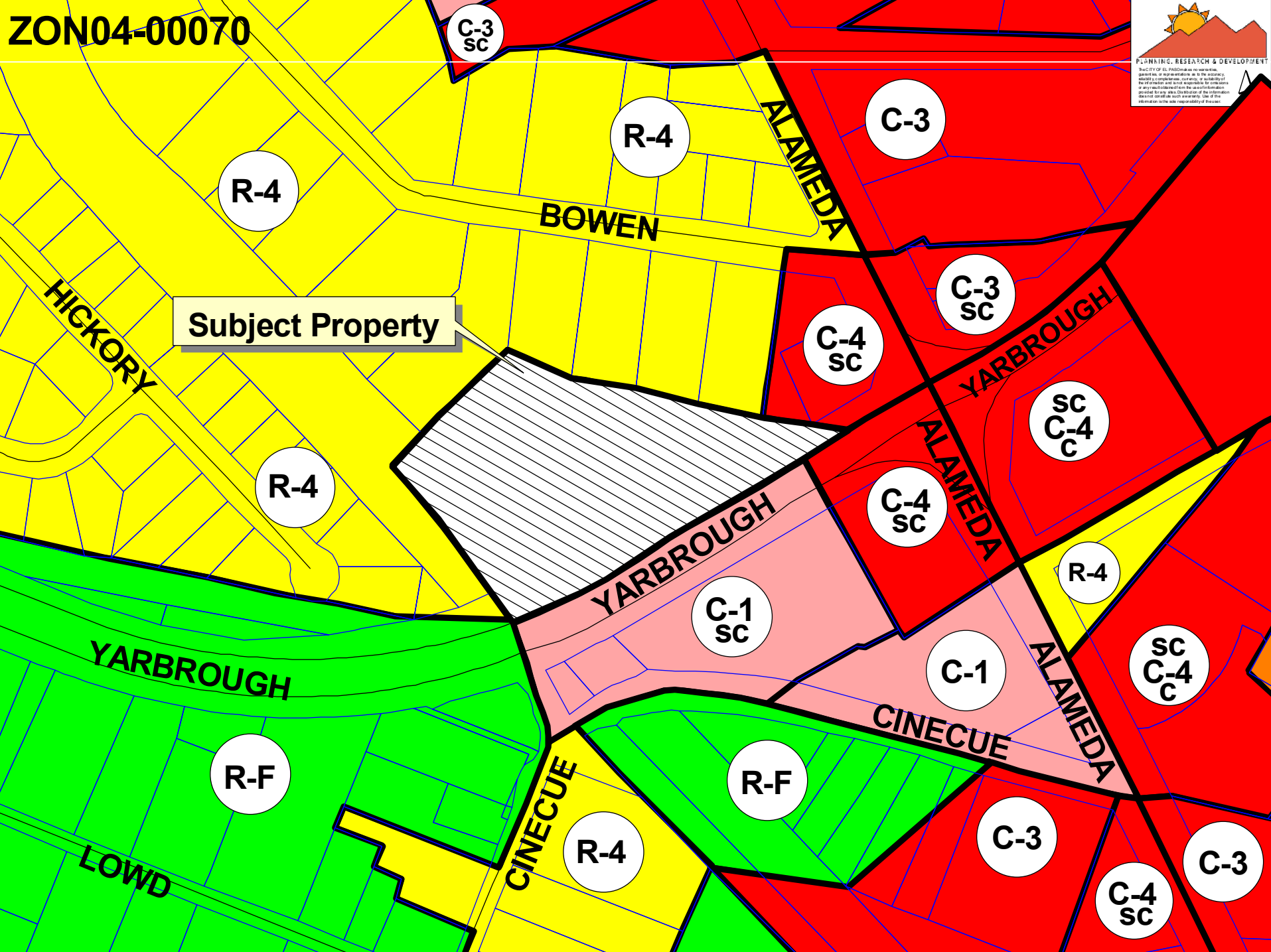


**ZON04-00070**



**ZON04-00070**





ZON04-00070



Subject Property

R-4

R-4

C-3

C-3  
SC

C-4  
SC

SC  
C-4  
C

R-4

C-4  
SC

R-4

C-1  
SC

C-1

SC  
C-4  
C

R-F

R-F

C-3

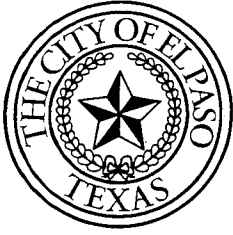
C-3

R-4

C-4  
SC



Addn 1



City of El Paso, Texas  
Building Permits and Inspections Dept.

## MEMORANDUM

**TO:** The Honorable Mayor and City Council  
Jim Martinez- Interim City Manager  
Patricia D. Adauto- Deputy City Manager  
Terri Cullen-Garney- Deputy City Attorney  
Matt Watson- Assistant City Attorney  
George Sarmiento- Director – Planning Dept.

**FROM:** R. Alan Shubert, P.E.- Director of Building Permits and Inspections *R. Alan Shubert*

**SUBJECT:** 131 S. Yarbrough  
(Addition to City Council Agenda for Sept 20, 2004, Item 1)

Due to concerns expressed by City Council that Building Permits and Inspections code enforcement effort has been insufficient on this case, I am submitting this memorandum to inform staff and City Council on the events surrounding the case, the decisions made, and the reasoning behind the decisions. I have assembled a chronology of events surrounding this case, beginning in 2001, after the property was re-zoned C-3 requiring a site development plan review.

### Chronology of Events

- June 27, 2001: Ms. Dolores Reyes reported to Code Compliance that, at about 7:55 A.M., she had observed a dump truck in the process of dumping a load of broken concrete and debris on a vacant lot, which was later determined to be 131 S. Yarbrough. Ms. Reyes provided a very detailed description of the dump truck, and stated that she would be willing to testify in court.
- June 27, 2001: Case # 01-06-0770, 401 Yarbrough, Ed Martinez, Code Compliance Inspector- BP&I, went to the site and investigated, taking several photos,
- June 29, 2001: Inspector Martinez visited Mrs. Azelea Olague, co-owner of the property. Mrs. Olague stated that her husband, Ricardo Olague had not given anyone permission to dump on the property. She also stated that Mr. Olague had previously posted NO TRESPASSING signs on the property, but that they had disappeared.

- June 29, 2001: Inspector Martinez filed an ILLEGAL DUMPING complaint against ACME ENVIRONMENTAL, using the description, of the dump truck, which had been provided by Ms. Reyes. Inspector Martinez presented all photos and information to the COUNTY PROSECUTOR.
- July 11, 2001, at about 10:05 A.M.: Mr. Ricardo Olague called Inspector Martinez and stated that he had, in fact, given ACME ENVIRONMENTAL permission to dump on site. Mr. Olague said that he planned to use some of the material to build a wall around the property, and the rest would be used as backfill. Mr. Olague also stated that he was awaiting permits for building on the site.
- July 17, 2001: Inspector Martinez issued citation #33-127-887, to Mr. Olague for GRADING WITHOUT A PERMIT. (Attachment 1)
- August 17, 2001: Building Permit #01-23659, 401 Yarbrough (address corrected to 131 Yarbrough): Mr. Olague applied for and was issued a Building Permit for a rock wall/fence. The footing reinforcement was inspected and accepted by John Wilcox on August 24, 2001. No Final Inspection, permit cancelled 4/27/02, because permit holder failed to call for and obtain inspections within the prescribed time (six months). (Attachment 4A)
- June 26, 2002: Grading Permit 062602-212, 113 S. Yarbrough: Mr. Olague applied for and was issued Grading Permit from the Engineering Dept. (Attachment 4B)
- January 23, 2003: BLD03-00744, 131 Yarbrough: Mr. Olage (Different Spelling used) applied for and was issued Building permit for a 2' high rock wall to be located parallel to Yarbrough, 43' off of property line. Normally, garden walls, 24" or less, does not require a permit, however, this wall is considered a retaining wall because it is retaining up to 2' of soil, which would require a permit. (Attachment 5)
- July 10, 2003: BLD03-07904, 131 Yarbrough: Mr. Olage applied for and was issued Building permit for a wrought iron fence located parallel to Yarbrough on the property line. (Attachment 6)
- 2003: ILLEGAL DUMPING case against ACME ENVIRONMENTAL was settled after several Court continuances.
- April 2, 2004: COD04-04684, 131 S. Yarbrough, Inspector Martinez observed several vehicles being stored on the property, and proceeded to place Mr. Olague on notice for violating the PERMITTED USES section of the ZONING ORDINANCE. (Attachment 3)

- April 12, 2004: while patrolling the area, Inspector Martinez observed that all vehicles had been removed, except for a small travel trailer, which had become stuck in the mud.
- April 20, 2004: during a follow-up investigation, Inspector Martinez found that all vehicles had been removed, and preceded to close the case on COD04-04684.
- April 22, 2004: Mr. Olague came to the BP & I Code Enforcement office with all his plans. Lucinda Chavez, Code Enforcement Inspector Supervisor, informed him that his fence permits had been voided because of a failure to call for and obtain inspections within the prescribed time (six months) and citations would be issued if permits and inspections were not completed. Mr. Olague stated that he had planned on redoing all the rock walls upon completion of the rest of the project.
- May 19, 2004: BLD04-05542, 131 S. Yarbrough: Mr. Olague obtained a COMPLETION permit for the three original fence permits, which had been voided from a failure to call for and obtain inspections within the prescribed time (six months). (Attachment 7)
- May 21, 2004: The 6' rock wall, 2' rock wall, and 6' wrought iron fence were inspected and accepted by Inspector Armando Leal of BP&I.
- June 15, 2004: COD04-09161, 131 S. Yarbrough Inspector Martinez investigated a complaint regarding sheet metal being stored on the property. He took several photos, and issued Mr. Olague a correction notice for open storage. Mr. Olague stated that he planned to use the material for the roof of the proposed building.
- July 8, 2004: George Phillips, Chief Building Inspector- Code Enforcement Division, describing the condition of the site, issued an Investigation Report. (Attachment 4)
- July 23, 2004: Mr. Olague requested an extension on the Open Storage notice, until he had a resolution on his application with City Planning.
- September 3, 2004: A certified letter was sent to Mr. Olague stating that the 6' rock wall must be removed and the drainage of the display area must be corrected away from the irrigation ditch prior to issuance of a certificate of occupancy for the property. The letters were re-sent on Sept 9, 2004 when it was discovered we had an incorrect home address. The Monterrey address appears on the CAD file. (Attachment 8).
- September 9, 2004: A discussion was held in the lobby of the City Council chambers to try to mediate a resolution between Mr. Olague and his



neighbors on Bowen Road regarding the Site Development Plan review requirement approved by the City Plan Commission and pending City Council approval. The general understanding is that a compromise was reached. The requirements of the compromise are detailed in a letter written by Terri Cullen – Garney of the City Attorney's office to the BP & I Director. (Attachment 9)

- September 9, 2004: A letter was sent by Irene Ramirez, P.E., Interim City Engineer, advising Mr. Olague that the erosion in the impoundment must be repaired by close of business September 10, 2004. (Attachment 12)
- September 10, 2004: A complaint was filed with City – County Health on illegal dumping of medical waste, broken concrete and rock pieces, and other complaints. Inspector Sam Jarvis responded, and his report is attached (Attachment 11). Inspector Jarvis found a 6" by 6" area of soil contaminated from oil and issued Mr. Olague a Notice of Inspection, ordering him to cut the weeds, remove the construction materials, and remove the contaminated soil. He found no evidence of illegal dumping on the site.
- September 11, 2004: Tom Maguire, Housing Compliance Inspector Supervisor, was called by Council Rep. Rojas at 10:30 a.m. regarding water leaking from the resident's irrigation ditch into the impoundment created by Mr. Olague. Inspector Maguire proceeded to the site and met with Rep. Rojas, Mr. Olague, and several neighbors regarding the situation. It was explained by Mr. Maguire, that BP&I enforce building codes, and that drainage issues are administered and enforced by the Engineering Dept. However, Mr. Maguire observed that water was running under the 6' rock wall, that Mr. Olague had been previously placed on notice to remove. Inspector Maguire gave Mr. Olague a correction notice to remove the rock wall immediately. (Attachment 10) Mr. Olague agreed to meet his contractor on site on Monday and start demolition.
- September 14, 2004: A second letter was sent to Mr. Olague by Irene Ramirez, P.E., Interim City Engineer, advising him to fill in the impoundment, since he had not complied with the first notice dated 9/9/2004. The letter stated that citations would be issued, if repairs are not completed by Sept. 17, 2004.(Attachment 13)
- September 15, 2004: Tom Maguire visited the site, observed that no work had been done on removal of the 6' rock wall. He contacted Mr. Olague and informed him that a citation will be issued.
- September 16, 2004: A citation was issued to Mr. Olague for failure to remove the rock wall. (Attachment 14)

**Permits applied for / status:**

BLD01-23659	6' Rock Wall	August 17, 2001
Status:	Footing inspection 8/24/01 Passed Inspector	
Wilcox	Permit Expired / Cancelled 4/27/02 - No final	
062602-212	Grading Permit (Engineering)	June 26, 2002
BLD03-00744	2' Rock Wall	January 23, 2003
Status:	Expired / Cancelled July 23, 2003 No final	
BLD03-07904	6' Wrought Iron Fence	July 10, 2003
Status:	Expired / Cancelled January 10, 2004 No final	
BLD04-05542	Completion Permit for Fences	May 19, 2004
	Applies to 01-23659, BLD04-00744, BLD04-07904	
Status:	Inspected / Accepted	May 21, 2004
BLD04-03551	Sign Permit	April 15, 2004
Status:	Permit frozen upon inspection- no existing business, permit not allowed per code. Awaiting status of Site Development Plan Review.	
PLM04-04420	Permit for sewer tap	June 30, 2004
Status:	Capitol Plumbing applied for and received a permit. Permit should not have been issued since Director BP&I had frozen the case. Applicant was notified and permit was voided.	

**Case Activity Listings (Code Enforcement) and Status:**

01-07-0770	Illegal Dumping	June27, 2001
	Status Closed after Court Case	
COD04-09161	Open Storage of Materials	June 29, 2004
	On hold pending decision on Site Development Plan	
COD04-04684	Junk Vehicles	April 2, 2004
	Correction Notice issued April 2, 2004. Vehicles removed April 20, 2004.	
	Case closed April 20, 2004.	

**Zoning Status:**

ZON04-00070	Site Development Plan - DCC Approval 6/30/04. CPC Postpone 8/6/2004. DCC Reconsideration and approval 8/18/2004. CPC Approval (5-1) 8/19/2004.
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## **Discussion:**

There has been a vast amount of activity on this case. I would like to break it into Categories:

### **Code Enforcement**

Code enforcement complaints have been ongoing regarding this property. The complaints have been for Open Storage, Junk Vehicles, Building Without a Permit, and Illegal Dumping.

- ACME Environmental was prosecuted for the illegal dumping and the case was settled in municipal court.
- A citation was given to the owner for grading without a permit.
- A correction notice was given for storage of junked vehicles, and the vehicles were removed.
- A correction notice was given for open storage, and is pending.
- A correction notice was given for erecting a sign without a permit, the owner applied for a permit, but a permit cannot be issued. This case is pending the outcome of the Site Development Plan application. If not approved, the owner will be required to remove the sign.
- City – County Health investigated a second case of illegal dumping on Sept. 11, 2004. A 6 inch by 6 inch area of soil contamination was found and the owner was ordered to remove it. Other forms of open storage are being handled in BP&I.

### **Rock Wall Construction**

BP & I issued permits for two rockwalls and one wrought iron fence. The standard procedure to issue a rockwall/fence is as follows:

- 1) Permit application filled out by owner/contractor.
- 2) City of El Paso Rock Wall form filled out (Attachment 2)
- 3) Permit issued over the counter. We do not require plan review for rock walls. The zoning is checked, but not special conditions, since special conditions usually include screening wall requirements. Screening walls are allowed in all zones (with the exception of an NCO zone or PMD zone). Often, an applicant will request a permit for a rock wall to secure a construction site prior to the beginning of the project.
- 4) This is not in compliance with the site plan review requirement, however nobody in BP&I remembers a case where issuance of permits for screening walls created a problem.

Building Permits processes approximately 120 rock wall permits per month. They have always been done as an "over the counter written permit. We have never made a practice of checking special conditions on zoning, as we haven't



had any experience where a rock wall is counter to the zone, if it complies with the code with regard to the front yard and visibility requirements at the street. The walls are inspected to the minimum city standard as shown in attachment 2, with a 12" by 12" footing with 2 #4 rebar required. This standard works for a screening wall, but in an environment comprised of clay soils and having an irrigation ditch behind the wall. The wall should have been built with a top of footing depth of: at least level with the bottom level of the ditch. The wall was inspected to our minimum standard, which is inadequate in this environment. The wall should have been designed by an engineer to avoid this problem. This is not specifically required in our municipal code, as the wall is at 6' or less. We do require a design for rock walls of more than 6' elevation.

There is provision in the zoning code, however, to require removal of the wall, if it cannot be made structurally sound. (Chapter 20.08.340). Based on this, the owner has been instructed to remove the wall.

### **Permitting**

This property has two PID numbers by the Central Appraisal District, and permits have been pulled under six addresses. PID numbers are the mechanism used by our computer file system to track activities on a particular parcel or property. The property has been described by the following addresses:

<b>Addresses:</b>	<b>PID #</b>
401 Yarbrough	Unknown
131 Yarbrough	Unknown
131 Yarbrough Drive South	Unknown
113 S. Yarbrough	Unknown
7536 Monterrey	H01299900105300
(Central Appraisal District address of property owner and home address of Builder, corrected to 131 S. Yarbrough on original rock wall permit)	
131 S. Yarbrough (Correct Address)	Y80599903300840 (33 Ysleta, Tr 8 – H)
131 S. Yarbrough	Y80599902902302

The property owner has been listed as:

Ricardo Olague

Ricardo Olage

Ricky's Auto Center

Central Appraisal lists both parcel at 131 S. Yarbrough as Ricardo & Azalea Olague, Owners and 7536 Monterrey Dr, El Paso, Texas 79915-2646 as the Owner's mailing address.

The multiple addresses associated to the property created internal confusion for the City of El Paso and particularly for BP&I in defining the status on the property. We have now created a computer file to hold the case frozen until all items of concern are addressed.

A question has been asked about the use of a completion permit to legalize the work done on the rock walls where permits had been issued but no inspections had been called. The completion permit is a permit allowed in municipal code (Chapter 18.21.050). It requires a fee and inspections to finalize and legalize the work done in the case of an expired permit. In this case, a completion permit was correctly issued and correctly executed. Unfortunately, what was permitted and inspected with regard to the 6' wall was not adequate for the site conditions.

## **Summary**

As can be seen from the chronology and list of permits, a major volume of work has been done on this case. The work has been done professionally and thoroughly. Some mistakes have been made and have been outlined in this letter. This case has taken a vast amount of time and resources from BP&I. This property owner has been prosecuted, cited, and issued multiple correction notices. We have successfully achieved compliance with the items that have been resolved, and are continuing work on the unresolved items. I have directed personnel that this work be done as a matter of course, not as a special case. I feel it sets a very dangerous precedent to accelerate enforcement and prosecution on a specific case, purely at the behest of a city council representative. There is no way to do this and demonstrate equity and fairness to the other hundreds of citizens we work with every day. I do not want to see city staff used as a political weapon in favor of one group of citizens at cost to another. In my professional opinion, as the Building Official for the City of El Paso, there are no life-safety issues and minimal health issues that exist on this site. We continue to work this case at the cost of other cases that involve failed retaining walls, dangerous electrical and mechanical systems, and other issues of greater life-safety importance. I made an administrative decision not to accelerate compliance efforts on the 6' rock wall and on the paving of the display area because both were addressed in a site development plan reviewed and approved at DCC. They were re-addressed as recently as September 9, 2004, when an agreement was worked out on the site development plan issues between the owner and the neighbors (Attachment 9). Normally, when a site development plan is in process, the project ultimately is built. This does NOT mean that the issues are dropped; rather I feel that our limited resources are better spent on issues that have no other means of recourse. I did not believe then, nor do I believe now that this approach is incorrect. The citizen's concerns are being addressed, and we are making every effort to see that our enforcement is equitable.

# ATTACHMENT 1

CITY OF EL PASO, TEXAS  
EL PASO POLICE DEPARTMENT  
CLASS C CITATION

X

*[Signature]*  
DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment at El Paso Municipal Court's Northeast site, 9600 DYER on:

8 / 14 / 01  
month day year  
between the hours of 8:30-11:30 a.m. or 1:30-4:30 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

Officer's Name E. MARTINEZ NO. 137 DIV. 2

EPPD CASE NO. 33-127-887

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF EL PASO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DATE, PERSONALLY APPEARED THE UNDERSIGNED AFFIANT, WHO, AFTER BEING DULY SWORN, STATED:

"I, AN EMPLOYEE OF THE CITY OF EL PASO, TEXAS, DO SOLEMNLY SWEAR THAT I HAVE PROBABLE CAUSE TO BELIEVE, AND DO BELIEVE, THAT, ON THE DATE, AND AT THE PLACE SHOWN ON THE REVERSE SIDE HEREOF, THE PERSON WHOSE NAME APPEARS THEREIN COMMITTED THE OFFENSE DESCRIBED THEREIN."

*[Signature]*  
AFFIANT

SUBSCRIBED AND SWORN TO, BEFORE ME, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

NOTARY PUBLIC IN AND FOR  
EL PASO COUNTY, TEXAS

FOR COURT USE ONLY

OFFICER NOTES

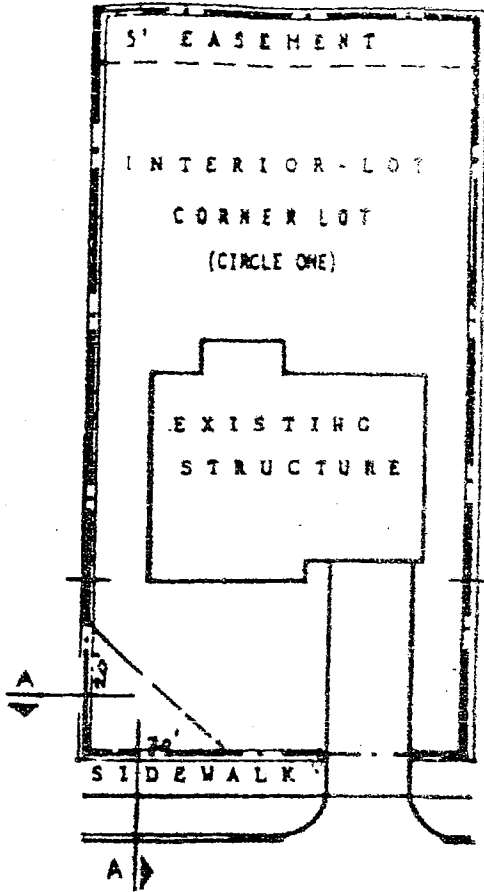
MR. OLAGUE HAD  
NUMEROUS TRUCK LOADS OF  
DIRT, ROCK, & BROKEN CONCRETE  
DUMPED ON HIS VACANT PROPERTY  
WITHOUT APPLYING FOR ANY  
PERMITS

Complainant (or store name)			
Address of Occurrence		401 S. YARBROUGH	
Offense #1		GRADING WITHOUT A PERMIT	
Offense #2			
Time	1:18	AM	PM
Parent's Name/Address			
Defendant's First & Last Name	RICARDO OLAGUE		
Race	Sex	Street Address	Phone Number
	M		
City	State	Zip Code	Place of Birth
D.L. NO.			
Total Value	DOB		
Social Security No.			
Employer's Address			
Name of Compl. Witness			
Street Address			
City	State	Zip Code	Phone No.
ATTY.			
PLEA	<input type="checkbox"/> NOT GUILTY	<input type="checkbox"/> GUILTY	FINDING
	<input type="checkbox"/> NOLO CONTENDERE		<input type="checkbox"/> NOT GUILTY
CASE NO.			



# ATTACHMENT 2

CITY OF EL PASO



ROCK WALLS IN FRONT OF FRONT FACE OF BUILDING LIMITED TO 42 INCHES EXCEPT 36 INCHES IF WITHIN 20 FT. OF STREET INTERSECTION.

Job Address \_\_\_\_\_

Lot \_\_\_\_\_ Blk \_\_\_\_\_ Addn \_\_\_\_\_

Owner \_\_\_\_\_

Address \_\_\_\_\_

Contractor \_\_\_\_\_

Address \_\_\_\_\_

Use (Proposed Exits) \_\_\_\_\_

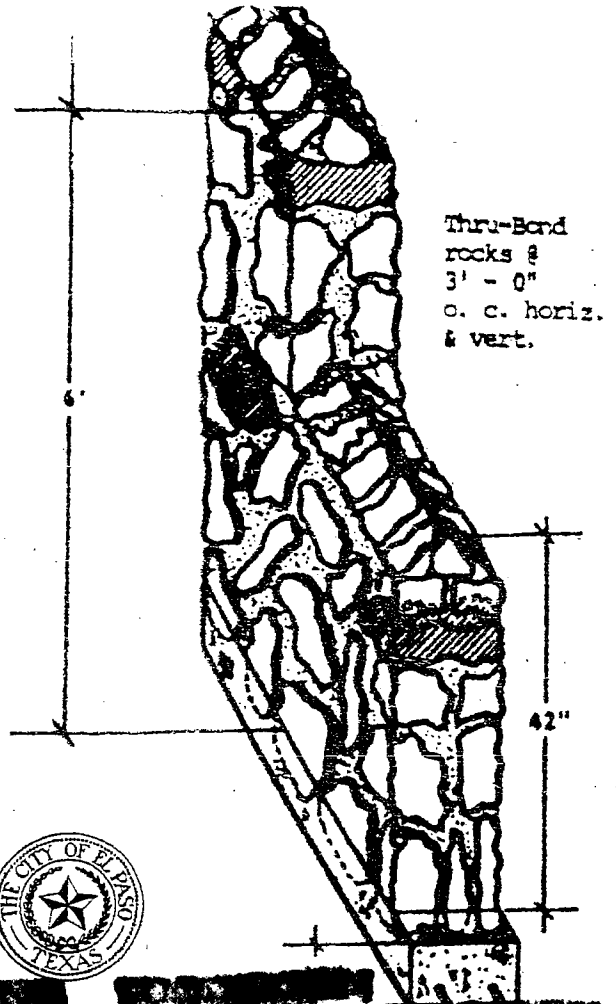
Value \$ \_\_\_\_\_ Date \_\_\_\_\_

Accepted by \_\_\_\_\_

## ZONING SECTION

These plans have been examined for conformance to the use, yard and area requirements of the Zoning Ordinance of the City of El Paso.

Date \_\_\_\_\_ By \_\_\_\_\_



THESE PLANS HAVE BEEN REVIEWED FOR CONFORMANCE WITH ALL PERTINENT CODES AND ORDINANCES.

REVIEWED

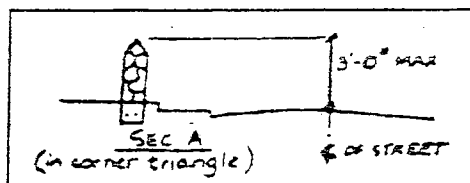
City Plan Checker

Date \_\_\_\_\_

## ROCK WALL SECTION

Native stone masonry fences and yardwalls must comply with S.B.C. 1415.3 including:

1. Foundation concrete strength 2,500 p.s.i. min.
2. Mortar strength 750 p.s.i. min.
3. Provide thru-bond rocks @ 3' - 0" o.c. horiz. & vert.
4. Minimum 2-No. 4 reinforcing bars & footings.



# ATTACHMENT 3

## ENFORCEMENT INVESTIGATION

Case #: COD04-04684  
TYPE: ZNG

CONTACT: MTH  
INSPECTOR: EMM  
DATE RECEIVED: 4/2/2004  
SUSPENSE DATE: 4/13/04

COMPLAINT DESCR: storing cars on vacant lot  
LOCATION OF VIOLATION(S): 131 S YARBROUGH

LEGAL DESCRIPTION: 12 MESA DEL CASTILLO #4  
LOT 28 (DRAINAGE ROW)  
(96926.20 SQ FT)

## OWNER INFORMATION

FIRST NAME: UNKNOWN  
ADDRESS:  
CITY:

LAST NAME: UNKNOWN

ST:

ZIP:

SOURCE: P

## DISPOSITION

ACTION DATE: 4/2/04  
2ND INSPECTION: 4/20/04  
3RD INSPECTION:

ACTION TAKEN: NO TICE  
2ND ACTION: NO VIOLATION  
3RD ACTION:

DATE POSTED:  
CITATION#:

COURT COMPL:

CLOSED: Y/N Y

DATE CLOSED: 4/20/04

## REMARKS:

DATE

NOTES

4/20/04 REMOVED

# PATROL CASE/SERVICE REQUEST

REQUEST FOR NEW CASE

DATE: 4/2/04

: ( ) Weed/Trash ( ) Junked Vehicle (X) Zoning ( ) License ( ) Other

REQUEST FOR TYPING - LETTER

NOTICE OF VIOLATION

CASE # (if request for typing) COD 04-04684

INSPECTOR NAME: MARTINEZ

TO: RICARDO OLAGUE

LEGAL DESCRIPTION OF PROPERTY

BUSINESS: [REDACTED] LOT

STREET: [REDACTED] BLOCK

CITY/STATE/ZIP SUBDIVISION

For Weed/trash - circle one: 1 2 3 4 5

For Junked Vehicles - describe below or attach "Junked Vehicle Check List" form

1.

2.

3.

4.

FOR NOTICE OF VIOLATION

Permitted Occupancy or Use:

Location Zoned: Zoning Required by Use:

Violation of Section(s):

REFERENCE ADDRESS

STREET: 131 S. YARBROUGH

CITY/STATE/ZIP:

DESCRIPTION OF VIOLATION

STORING CAR ON VACANT LOT

REMARKS





BUILDING PERMITS and INSPECTIONS DEPARTMENT  
ENFORCEMENT DIVISION

NOTICE

ADDRESS : 131 S. YARBROUGH  
ESTABLISHMENT : RITCHIE'S AUTO MOTIVE  
DATE : APRIL 2, 2004  
NAME : RICARDO OLACHE  
PROPERTY OWNER : SANDO  
MANAGER :  
TELEPHONE NO. :  
D. L. # :  
D. O. B. : [REDACTED]

A recent field inspection made by personnel from this department revealed the following:

1. STORING CARS ON VACANT LOT
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

at the above reference address is/are in violation of the El Paso Municipal Code.

- \_\_\_ Section 18.02.103.1.1 & 20.04.190 - Bldg. & Zoning Code, Construction work without a permit.
- ☒ Section 20.04.330 & 18.02.103.9.1.1 - No Certificate of Occupancy
- \_\_\_ Section 20.08.200 B-Auto Repair-Not minor emergency, in Apt. or Res. Zone.
- \_\_\_ Section 20.08.140-Home Occupation without a license.
- \_\_\_ Section 13.20.100-Basketball Board & Hoops
- \_\_\_ Section 13.04.050-Maintenance of Sidewalks
- \_\_\_ Section 12.68.030-Sidewalk Area-Trees or other objects.
- \_\_\_ Section 20.08.340-Maintenance of walls-Repair of walls and fences.
- \_\_\_ Section 20.08.050-Uses Not Permitted are Prohibited.
- \_\_\_ Section 20.64.030-Off Street Parking-Surfacing.
- \_\_\_ Title 20. (see zoning district)-Yard/Garage sales more than three times a calendar year.  
(not more than two days at a time allowed).

These violations are required to be repaired, permitted, or removed within 10 days after receipt of this official notice. Failure to comply will result in further legal action.

If we may be of assistance, please contact this office at 541-4801 8:30 a.m. and 4:00 p.m. Call for reinspection when violations are corrected.

SIGNATURE

*[Handwritten Signature]*

ED MARTINEZ

E Z - C A M

MASTER SCREEN

4/12/2004

# Y805-999-0330-0840

Area Code 42

Y80503300840

TDC G01 IYS CEP SCC SHO

ne OLAGUE, RICARDO & AZALEA

Addr. 1

05 Property Type C

Addr. 2 7536 MONTERREY DR

06 StCd L&I C2 Cls

City EL PASO

State TX

07 Exemption Code

Cntry

Zip 799152646 CrRt 362

08 Map Number Z-43

LEGAL DESCRIPTION

09 Neighborhood 900

03 Line 1 33 YSLETA

10 Zoning Code Cls

Line 2 TR 8-H

11 Utility Code

Line 3 (1.6547 AC)

12 Road Type

Line 4

13 Mortgage Code

Deed/Acs 1.6547

14 Loan No.

PROPERTY LOCATION

.0000 15 Agent Code

Eft

Exp

04 Strt Nmbr

Strt Dir

16 Owner ID

Strt Name

Strt Type

Suite/B

17 Image ID

N \*

Loc City

18 Remarks 1 ARB 95 N/S

Adj \*

Total Improvement

Remarks 2

SUP 89

UI

Total Land

68,654

Ag

Total Appraised

Adr \*

01-18=Chg, F3=Ext, F2=Pr, F19=Wksl, F21=Cmd, F09=Waiv, F4=ImgeMnu

Land Segments 1

# ATTACHMENT 4

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## INTEROFFICE MEMORANDUM

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TO: R. ALAN SHUBERT, P.E., DIRECTOR, BUILDING PERMITS & INSPECTIONS

FROM: GEORGE M. PHILLIPS, CBO, CHIEF BUILDING INSPECTOR, ENFORCEMENT DIVISION,  
BUILDING PERMITS & INSPECTIONS

SUBJECT: INVESTIGATION OF ROCK WALL CONSTRUCTED AND SITE CONDITIONS AT 131 S.  
YARBROUGH

DATE: JULY 8, 2004

CC: REPRESENTATIVE VIVIAN ROJAS, LUCINDA CHAVEZ, CODE COMPLIANCE SUPERVISOR,  
ENFORCEMENT DIVISION, BUILDING PERMITS & INSPECTIONS.

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A site inspection was conducted on this date, July 8, 2004 at 131 S. Yarbrough, which is owned by Richard & Azalea Olague of the site conditions, the six-foot high rock wall that was constructed, and the sign erected on the property.

The inspection results of the site condition are as listed below.

1. The site is undergoing clean up which is ongoing as of this date. The wooded area of the property has been raked clean, all trash has been picked up, and has been placed in a dumpster on site.
2. There were some piles of tree limbs and logs, which the worker on site indicated, was awaiting removal.
3. There were some metal roofing panels, and structural steel members piled neatly on site. There was no indication by the worker on site as to the status of these materials.

At the northern property boundary 178 feet of rock wall fencing has been constructed. This rock wall actual date of construction is unknown but a permit was issued on August 17, 2001 to Murillo's Construction for the construction of a six-foot rock wall. This permit was canceled on May 13, 2002 due to no final inspection. There is no record of a foundation inspection or a final inspection to date.

The inspection results are as listed below for the rock wall.

1. The inspection could not reveal a footing without excavating next to the bottom of the rock wall.
2. There are a number of cracks in the rock wall, which reveal at most a 3/8-inch width separation. These cracks run from the bottom to the top of the wall, and the wall is intact, as it appears stable without any deflection from its vertical alignment or along the top of the wall horizontally. The only portion that is questionable to alignment is a section 24 feet in length located 102 feet east of the west end of fence constructed. It appears that this offset in the fence was to go around an obstruction in the fence line. The offset in this portion of the fence is not failing and remains structurally intact.



3. The only portion of the wall that is open is due to the fact the section was not constructed due to support cable for an electrical transmission pole. The anchor point for the cable was located in the centerline of the rock wall.
4. This wall was viewed from Bowen Street, which is to the north of this property, and where the neighboring properties abut the rock wall. The rock wall condition was the same as on the property owner's side except for the paint covering graffiti.
5. It was observed that approximately 50 feet of the wall had a white hazing on the property owner's side; this hazing was a white paint, which was applied to cover graffiti.
6. The height of this fence at the west end is 5 feet 6 inches and descends in height to 4 feet 4 inches.
7. A two-foot high rock wall has been constructed parallel to Yarbrough and appears stable. The inspection for this wall has been approved.
8. The six-foot high wrought iron fence has been installed and inspected with no visible concerns.

A permit for a commercial sign was issued to International Neon & Sign on April 15, 2004. The observations from inspection are as listed below.

1. The sign installation is complete with the exception of an electrical supply circuit.
2. The sign is located along Yarbrough from the northeast corner of the property, south to 210 feet. The sign is set back from Yarbrough from the curb 20 feet.

Please see the attached photos taken the day of this report as submittals for review.

# ATTACHMENT 4A

PROPERTY MASTER FILE      REC # 57600    MEMORY: 32337 C 35265 NC  
PROJECT #: 01- IRX      PROJECT STATUS: I      COMPLETE DATE: / /  
PROJECT ADRS: 131 YARBROUGH DR SOUTH      HOLD PROJECT (Y/N):  
PROJECT NAME:  
SUBDIVISION : HACIENDA HEIGHTS      LOT:    BLK:  
SECT:    TWNSHP:    RNG:    MAP #:    PAR.#:  
OWNER NAME: RICHIE      OCCUPANCY TYPE: R  
ADRS: 7536 MONTERREY DR      CONSTRUC. TYPE:  
CITY: EL PASO      STATE: TX    SQUARE FOOTAGE:  
ZIP:      PHONE: ( )- -    HEIGHT OF BLDG:  
# OF STORIES:  
PROPOSED USE: SINGLE FAM RES  
SPRINKLERS:  
MAX. OCCUPANCY:      USE ZONE:      WATER SYS:  
MAX. LIVE LOAD:      FIRE ZONE:      SEWER SYS:  
CENSUS TRACT:      FLD. ZONE:      PARKING:  
NOTES: DBLE FEE ADDITION/REMODEL 2-15-96 ORTIZ  
NOTES: ADDRESS CHANGED FROM 7536 MONTERREY DR TO 131 YARBROUGH DR SOUTH  
Use Standard Movement Keys or Press <Esc> to Exit

ERMIT MASTER FILE      REC # 158002    MEMORY: 32425 C 35270 NC  
ERMIT: 01-23659 TYPE: FN STATUS: V PROJECT: 01- IRX    APPLIED :08/17/01  
ISSUED :08/17/01  
LOCATION: 131 YARBROUGH DR      COMPLETE: / /  
WORK CLASS:      HOLD ON PERMIT (Y/N):      MASTER PERMIT:  
DESCRPT.: 6' ROCKWALL  
F WORK :  
CONTR. ID: MURILLO'S CONSTRUCTION CO.      VALUATION:    1500.00  
ENGINEER :  
DESIGNER :      FEES DUE:    30.00  
APPLICANT: LM      FEES PAID:    30.00  
SPECT CODE:    OCCP TYPE: R    CONST. TYPE:    SQUARE FTG:  
PROPOSED USE:  
EXPORT CODE: MS    NUMBER OF UNITS:  
NOTES:  
NOTES: CANCELLED NO FINAL INSPECTION 4/27/02 ML  
Use Standard Movement Keys or Press <Esc> to Exit

INSPECTION MASTER FILE REC # 331970 MEMORY: 32425 C 35217 NC

PERMIT #: 01-23659 INSPECTION TYPE: BLFO PERMIT TYPE: FN  
LOCATION: 7536 MONTERREY DR PROJECT #: 01- IRX  
CONTRCTR: MURILLO'S CONSTRUCTION CO. DISTRICT: LOWVAL

HOLD (Y/N): REQUEST DATE: 08/23/01  
REQUEST TIME: 19:14:08

DATE INSPECTION DESIRED: 08/24/01 TIME INSPECTION DESIRED: : :

----- INSPECTION INFORMATION -----

INSPECTR ID: SM INSP. DATE: 08/24/01 INSPECTION or RE-INSPECTION (I/R):  
VEHICLE ID: BINSP TIME: : : INSP. RESULTS - (P or C Only):  
SITE ODOMTR: EINSF TIME: : :  
INSPECTION CODE 1:  
RE-INSPECTION REQUIRED (Y/N): N INSPECTION CODE 2:  
RE-INSPECTION FEE REQ. (Y/N): N  
CORRECTION CODE OR COMMENT: SHOULD BE 401 S YARBROUGH

NOTES:  
NOTES:

Use Standard Movement Keys or Press <Esc> to Exit

CONTRACTOR MASTER FILE REC # 3112 MEMORY: 31933 C 34349 NC

CONTRACTOR ID: MURILLO'S CONSTRUCTION CO.

GROUP: BUILDING TYPE: RES HOLD ON CONTRACTOR (Y/N):

CONTRACTOR NAME: MURILLO'S CONSTRUCTION CO.  
ADRS: 7536 MONTERREY  
CITY: EL PASO  
STATE: TX ZIP: 79915 PHONE: (915)-593-6776

COMPANY NAME: MURRILLO'S CONSTRUCTION CO.

Validate For  
Registration Number Expires Permits (Y/N)

STATE: / /  
LOCAL: HIC 03/27/01  
BOND: 24478171 \*OK 10\* 03/27/02

OTES: LGL 102114 3/27/02 ADVISED HIC 6/27/01  
OTES: JOSE R. MURILLO, RAMON MURILLO, ROSA ISELA MURILLO  
OTES: ADAN MURILLO \*\*BOND CANCELLATION NOTICE AS OF 8/21/01

Use Standard Movement Keys or Press <Esc> to Exit

# ATTACHMENT 4B

## GRADING PERMIT APPLICATION

FUND: 01101 DEPT. I.D.: 36010116 ACCT: 404106

CITY OF EL PASO  
BUILDING SERVICES DEPARTMENT  
#2 CIVIC CENTER PLAZA  
EL PASO, TEXAS 79901-1196  
(915) 541-4790

PERMIT NO. 0621 02712  
DEVELOPMENT DIVISION

One Call Notification Verification Number (800) 344-8377  
One Call Verification Number 081772123

Prior to Grading Notify Building Services Dept. for Pre-Inspection At 541-4970

This permit is for grading outside the Mountain Development Area. The Contractor assumes responsibility for performing work in accordance with the Grading Ordinance Chapter 18.44. of the El Paso Municipal Code, approved December 9, 1986.

- (PLEASE PRINT OR TYPE)
- INTENDED USE OF SITE: AUTO CENTER
  - FLOOD ZONE: C
  - ADDRESS: 113 S YARBROUGH
  - REPRESENTATIVE DISTRICT: 7
  - LEGAL DESCRIPTION: TRACT 23 B B 29 YLETA GRANT
  - OWNER: RICARDO OLALUE 2270 NANCY MCDONALD  
NAME ADDRESS CITY/ST/ZIP PHONE NO.
  - CONTRACTOR: \_\_\_\_\_  
NAME ADDRESS CITY/ST/ZIP PHONE NO.
  - ESTIMATED FILL: 750 C.Y. CUT: 0 C.Y.
  - PERMIT TYPE: \_\_\_\_\_ FEE: \_\_\_\_\_
  - AREA IN ACRES: \_\_\_\_\_

<input type="checkbox"/>	Clearing & Access.....	(20%)	_____
<input type="checkbox"/>	Pre-Final Grading.....	(40%)	_____
<input checked="" type="checkbox"/>	Final Grading.....	(100%)	<u>21.23</u>
<input checked="" type="checkbox"/>	Borrow or <input type="checkbox"/> Waste.....		<u>\$315</u>
	Final G.P. # of other site		_____
	Address		_____
<input type="checkbox"/>	Double Fee/Illegal Grading.....		_____
<input type="checkbox"/>	Fee Waived.....		<u>-50</u>
	TOTAL PAYMENT.....		<u>\$577.50</u>

ACRES	FEE
<input checked="" type="checkbox"/> 0-5	\$262.50
<input type="checkbox"/> 5-10	\$315.00
<input type="checkbox"/> 10-20	\$367.50
<input type="checkbox"/> 20-30	\$420.00
<input type="checkbox"/> 30-40	\$472.50
<input type="checkbox"/> 40-50	\$525.00
<input type="checkbox"/> 50+	\$577.50

### 11. EXTENSIONS:

☐ First Extension  
NET PAYMENT (1<sup>ST</sup> Ext)....(30%) \$ \_\_\_\_\_

☐ Second Extension  
NET PAYMENT (2<sup>ND</sup> Ext)....(30%) \$ \_\_\_\_\_

### 12. LIABILITY INSURANCE: (Required over one acre)

☐ YES ☐ NO

All permits, except Borrow and Waste Permits, are valid for one (1) year from date of issuance. Extensions may be granted if requested one month prior to expiration date.

Borrow and Waste permits are valid for six (6) months from date of issuance; no extensions will be granted. After expiration, a re-application is required.

This grading permit is approved on basis of the data provided by the applicant. Any misrepresentation of false information will VOID this permit.

The applicant assumes all responsibility and liability for any loss or damage to persons or property which may result from this application. A \$300,000 minimum combined single limit liability insurance is required for all permits on sites larger than one (1) acre.

Print Name: RICARDO OLALUE

Phone No: \_\_\_\_\_

Signed: [Signature]

Date: 6-25-02

Date Permit Approved: 6.26.02

Approved By: [Signature]  
DEVELOPMENT DIVISION OFFICIAL

FIRST ONE-YEAR EXTENSION: DATE: \_\_\_\_\_

By: \_\_\_\_\_

SECOND ONE-YEAR EXTENSION: DATE: \_\_\_\_\_

By: \_\_\_\_\_

A copy of this permit MUST be at job site. No grading on weekends or during holidays unless authorized by the Deputy Director for Building Services. For weekend or holiday grading, call 541-4970 before 12:00 p.m.



# BUILDING PERMIT

PERMIT NO.: BLD03-00744

ISSUED: 1/23/2003

APPLIED: 1/23/2003

EXPIRES: 7/23/2003

SITE ADDRESS: 131 YARBROUGH

ASSESSOR'S PARCEL NO.: MISSING

PROJECT DESCRIPTION: NEW ROCKWALL 2'-0" HIGH (PA)

## OWNER/APPLICANT

RICARDO OLAGE  
131 YARBROUGH  
EL PASO TX 79915

## CONTRACTOR

ATSS  
P.O. BOX 71  
CANUTILLO TX 79835

TYPE OF WORK: Fence

TYPE OF USE:

CENSUS CAT.: Fences/Retaining Walls

ZONING:

## OCCUPANCY GROUPS:

1 2  
3 4

## CONSTRUCTION TYPE:

1 2  
3 4

## AREA

LOT: sf  
1ST FLR: sf  
2ND FLR: sf  
GAR/CARPORT: sf  
BASEMENT: sf  
OTHER: sf

VALUE: \$3,500.00

## REQUIRED SETBACK:

FRONT: ft  
SIDE 1: ft  
SIDE 2: ft  
REAR: ft

## NUMBER OF UNITS:

STORIES:  
BUILDING HEIGHT: ft

## REQUIRED PARKING:

TOTAL PARKING:  
HANDICAPPED:

## Fees

Type	By	Date	Amount
PRMT	BRB	1/23/2003	30.00
Total:			30.00

## \*\*\* NOTICE \*\*\*

1. This permit is issued in accordance with the provisions of Chapter 18.02 of the Municipal Code and the applicant, in accepting it, obligates himself to comply fully with all the provisions of the Municipal Code and other applicable codes and ordinances insofar as they affect this permit including, but not limited to, calling for all required inspections.
2. This building permit or a copy thereof shall be kept on the site of work until completion of the project.

I hereby acknowledge that I have read this permit and state that the above information is correct, and agree to comply with all City, State and Federal Laws regulating activities covered by this permit.

Issued by

Contractor's, Owner's or Agent's Signature

**A Minimum 24 Hour Notice Is Required For All Inspections**

1. Original 2. Customer 3. Cashier 4. Office



# ATTACHMENT 6



## BUILDING PERMIT

PERMIT NO.: **BLD03-07904**

ISSUED: **7/10/2003**

APPLIED: **7/10/2003**

EXPIRES: **1/10/2004**

SITE ADDRESS: **131 YARBROUGH**  
ASSESSOR'S PARCEL NO.: **MISSING**  
PROJECT DESCRIPTION: **6' HIGH WROUGHT IRON FENCE (PA)**

OWNER/APPLICANT RICARDO OLAQUE 5841 SIXTA EL PASO TX 79932	CONTRACTOR ATSS P.O. BOX 71 CANUTILLO TX 79835
---	---

TYPE OF WORK: Fence

TYPE OF USE: Residential

CENSUS CAT.: Fences/Retaining Walls

ZONING:

OCCUPANCY GROUPS:

1 2  
3 4

CONSTRUCTION TYPE:

1 2  
3 4

AREA

LOT:

1ST FLR:

2ND FLR:

GAR/CARPORT:

BASEMENT:

OTHER:

NUMBER OF UNITS:

STORIES:

BUILDING HEIGHT:

sf

sf

sf

sf

sf

sf

ft

VALUE: \$2,500.00

REQUIRED SETBACK:

FRONT: ft

SIDE 1: ft

SIDE 2: ft

REAR: ft

REQUIRED PARKING:

TOTAL PARKING:

HANDICAPPED:

\*\*\* NOTICE \*\*\*

1. This permit is issued in accordance with the provisions of Chapter 18.02 of the Municipal Code and the applicant, in accepting it, obligates himself to comply fully with all the provisions of the Municipal Code and other applicable codes and ordinances insofar as they affect this permit including, but not limited to, calling for all required inspections.
2. This building permit or a copy thereof shall be kept on the site of work until completion of the project.

Fees			
Type	By	Date	Amount
PRMT	EJC	7/10/2003	30.00
Total:			30.00

I hereby acknowledge that I have read this permit and state that the above information is correct, and agree to comply with all City, State and Federal Laws regulating activities covered by this permit.

Issued by

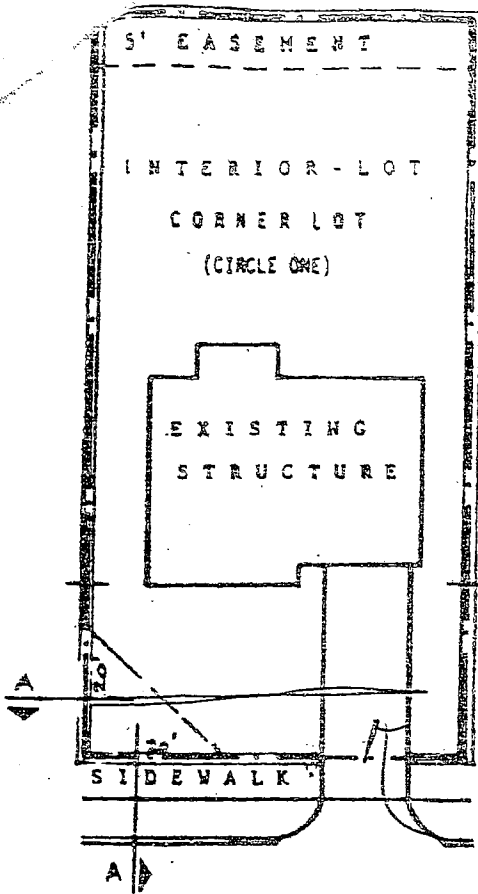
Contractor's, Owner's or Agent's Signature

**A Minimum 24 Hour Notice Is Required For All Inspections**

1. Original 2. Customer 3. Cashier 4. Office

541-4600 or 541-4700

# CITY OF EL PASO



NEW ROCKWALL  
2' 0" HIGH



ROCK WALLS IN FRONT OF FRONT FACE OF BUILDING LIMITED TO 42 INCHES EXCEPT 36 INCHES IF WITHIN 20 FT. OF STREET INTERSECTION.

Tract 23B Block 29  
Tract 8H Block 33  
Job Address Yarborough 131  
Lot Blk 33 29 Addn Yarbrough

Owner Bernie Olage

Address \_\_\_\_\_

Contractor Atss Contractors

Address PO Box 91 Canutilo TX

Use (Proposed Exits) \_\_\_\_\_

Value \$ 3500 Date 1/23/03

Accepted by NAI

**ZONING SECTION**  
C-4/Sec/C

These plans have been examined for conformance to the use, yard and area requirements of the zoning ordinance of the City of El Paso.

Date 1/23/03 By NAI

THESE PLANS HAVE BEEN REVIEWED FOR GENERAL CONFORMITY WITH ALL PERTINENT CODES AND ORDINANCES.

REVIEWED NAI  
City Plan Checker

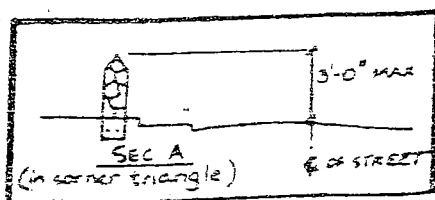
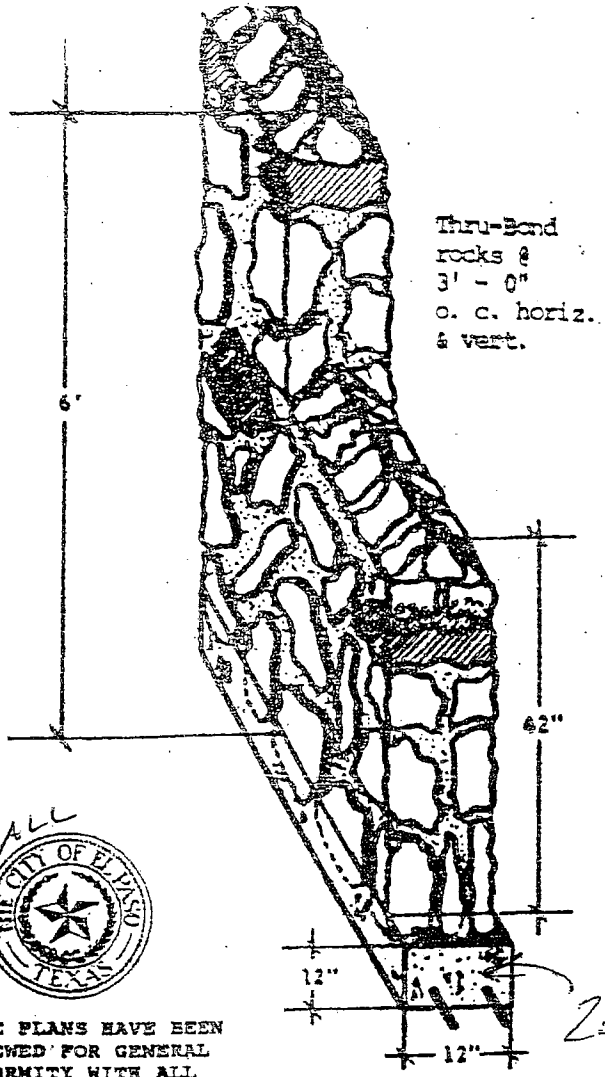
Date 1/23/03

#30

## ROCK WALL SECTION

Native stone masonry fences and yardwalls must comply with S.B.C. 1415.3 including:

1. Foundation concrete strength 2,500 p.s.i. min.
2. Mortar strength 750 p.s.i. min.
3. Provide thru-bond rocks @ 3' - 0" o.c. horiz. & vert.
4. Minimum 2-No. 4 reinforcing bars & footings.





# ATTACHMENT 7

## BUILDING PERMIT

PERMIT NO.: BLD04-05542

ISSUED: 5/19/2004

APPLIED: 5/19/2004

EXPIRES: 11/19/2004

SITE ADDRESS: 131 S YARBROUGH  
ASSESSOR'S PARCEL NO.: Y80599903300840  
PROJECT DESCRIPTION: COMPLETION PERMIT FOR 01-23659, BLD03-07904 & BLD03-00744  
ROCKWALL FENCE W/ WROUGHT IRON

### OWNER/APPLICANT

OLAGUE, RICARDO & AZALEA

7536 MONTERREY DR

### CONTRACTOR

OWNER

TYPE OF WORK: Fence

TYPE OF USE: Motor Vehicles Sales & Service C

CENSUS CAT.: Fences/Retaining Walls

ZONING:

### OCCUPANCY GROUPS:

1 2  
3 4

### CONSTRUCTION TYPE:

1 2  
3 4

### AREA

LOT: sf  
1ST FLR: sf  
2ND FLR: sf  
GAR/CARPORT: sf  
BASEMENT: sf  
OTHER: sf

### NUMBER OF UNITS:

STORIES:  
BUILDING HEIGHT: ft

VALUE: \$3,500.00

### REQUIRED SETBACK:

FRONT: ft  
SIDE 1: ft  
SIDE 2: ft  
REAR: ft

### REQUIRED PARKING:

TOTAL PARKING:  
HANDICAPPED:

### Fees

Type	By	Date	Amount
PRMT	VMR	5/19/2004	180.00
Total:			180.00

### \*\*\* NOTICE \*\*\*

1. This permit is issued in accordance with the provisions of Chapter 18.02 of the Municipal Code and the applicant, in accepting it, obligates himself to comply fully with all the provisions of the Municipal Code and other applicable codes and ordinances insofar as they affect this permit including, but not limited to, calling for all required inspections.
2. This building permit or a copy thereof shall be kept on the site of work until completion of the project.

I hereby acknowledge that I have read this permit and state that the above information is correct, and agree to comply with all City, State and Federal Laws regulating activities covered by this permit.

Issued by

Contractor's, Owner's or Agent's Signature

**A Minimum 24 Hour Notice Is Required For All Inspections**

1. Original 2. Customer 3. Cashier 4. Office

541-4600 or 541-4700

# ATTACHMENT 8

## BUILDING PERMITS AND INSPECTIONS CODE COMPLIANCE September 3, 2004

Ricardo and Azalea Olague  
7536 Monterrey Dr.  
El Paso, Texas 79915

Re: 131 S. Yarbrough Drive  
Blk: 29, Ysleta, Tract 23B  
Blk: 33, Ysleta, Tract 8H  
Certified Mail Receipt #  
7004 0550 0000 7862 0020

To All Owners, Mortgagees and Lienholders:

A recent inspection of the above referenced property has revealed some violations of the Municipal Code of the City of El Paso and some differences from the plans approved for the construction of your car lot.

The display area of the lot is shown to slope from the SW to the NE of your lot. The actual drainage appears to be the opposite, allowing the run off to wash across the access road of the adjacent Franklin Canal and into the canal itself.

The new rock wall at the northern boundary of the property shows signs of failure and instability. According to Chapter 18.08.280 Section 2114.1 paragraph 2, which states in part, "Rock walls, which...show indications of becoming unstable or unsafe...shall be abated by repair and rehabilitation or by demolition."

Be advised that before a certificate of occupancy will be issued for your business, these violations must be corrected or removed.

If you do not correct the violations you will be subject to further legal action by the City of El Paso.

131 S. Yarbrough Drive

You are listed in the El Paso real property records as the owner of this property. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

If you have any questions, please feel free to call me at 541-4800.

Sincerely,

Tom Maguire  
Housing Compliance Supervisor

TM/rl



# ATTACHMENT 9



## OFFICE OF THE CITY ATTORNEY

### MEMORANDUM

CONFIDENTIAL ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT COMMUNICATION  
NOT INTENDED FOR PUBLIC DISSEMINATION

TO: Alan Shubert, Director of Building Permits and Inspections

FROM: Terri Cullen-Garney *tcg*  
Deputy City Attorney

SUBJECT: Richy's Auto Center  
131 S. Yarbrough Drive

DATE: September 9, 2004

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Based on the conversation between the neighborhood representatives and Mr. Fermin Dorado, the representative for Richy's Auto Center, the following items were discussed in connection with a proposed site development plan. It is my understanding that representatives of the neighborhood will be meeting Mr. Dorado and Mr. Tom Maguire in the field on Thursday morning to walk through these items. It is my understanding that the applicant has agreed to do the following:

1. Frontage of the property on Yarbrough Drive

- a. Grade, in accordance with City Municipal Code requirements, towards the east and the slope of the property to take the water away from the irrigation ditch.
- b. A retaining wall will be on the southwestern side of the property.
- c. The property will be compacted and percolation will be in accordance with the City Municipal Code requirements.
- d. The front of the property will be landscaped in accordance with the City's Municipal Code.

2. Southwestern portion of the property abutting the Franklin Canal

- a. Install a new 6-foot high chain link fence that will be located away from the property line near the trees. The location will be determined after meeting in the field and will be fixed on the detailed site development plan.
- b. The dirt bump will be left along the side of the irrigation easement.
- c. The chain link fence will meet the existing rock wall with the wrought iron fencing.

3. Northwestern side of the property along the irrigation ditch.

- a. The elevations of the ditch will be restored and compacted to so that the property will not drain toward the irrigation ditch.
- b. The footing of the proposed new rock wall will be 1 foot below the ditch. The rock wall on this portion of the property will be set back 5 feet from the property line and the property owner has agreed to construct a private on site pond 10 feet, inside his property, from the new rock wall.

4. North side of the property where Tract 8H, Block 33, and Tract 23B, Block 29 meet

- a. The new rock wall will be installed to allow for the water to continue to flow easily around the corner of the property and, because of the present location of the irrigation ditch, the rock wall will be set back 8 to 9 feet from where it is presently located. This determination will be established at the meeting in the field. As the rock wall progresses behind Tract 16, San Jose Park, it will be 7 feet high and will meet the existing rock wall that is behind Tract 17. Because the property owner of Tract 17 does not want the new rock wall touch the existing rock wall, the property owner's representative has agreed that there will be a post or something to allow for the angling of the fence back to meet the rock wall.
- b. The property owner has agreed to re-build a present rock wall that is located on the north side of the property in accordance with Municipal Code requirements. The new rock wall will be built 7 feet high.
- c. Inside the property owner's property, a chain link fence will be built a minimum of 12 feet from the rock wall in order to allow for an access way from the front of the property back to the private ponding site.

Abutting property owners have agreed to sign an affidavit that they agree to the property owner building a 7-foot high rock wall.

# ATTACHMENT 10

CITY OF EL PASO



## BUILDING PERMITS & INSPECTIONS DEPARTMENT

CORRECTION NOTICE ☒  
STOP WORK NOTICE ☐  
DISAPPROVAL NOTICE ☐

Job Address: 13115A/AN ARBOUGH Permit No. 7-11-04

BLDG. ☒ COMBO ☐ C.H.P. ☐ ELEC ☐ HVAC ☐ PLBG ☐ SIGNS ☐ ZONING ☐ FIRE ☐

INSPECTION THIS DATE INDICATES THAT THE FOLLOWING ITEMS REQUIRE YOUR IMMEDIATE ATTENTION:

NO POLISH ROCKWALL AT NW SIDE

FOR PROPERTY. IMMEDIATELY.

NO PERMIT REQUIRED FOR DEMOLITION.

DO NOT REBUILD WALL WITHOUT  
PERMITS.

RECORD CLAGUE

CONSTRUCTION MAY ☐ MAY NOT ☐ PROCEED PRIOR TO CORRECTION OF ABOVE.

RE-INSPECTION IS ☐ IS NOT ☐ REQUIRED.

RE-INSPECTION FEE ☐

REC'D BY: AS

DATE/TIME: 09.11.04

INSPECTOR: MAAGUIR

PHONE: 541-41800

DO NOT REMOVE THIS NOTICE

# ATTACHMENT 11

Shubert, R. Alan

**From:** Chavez, Maria Elena  
**Sent:** Tuesday, September 14, 2004 8:13 AM  
**To:** Shubert, R. Alan  
**Subject:** FW: Complaint 131 S. Yarbrough

Attached please find a response to a complaint which was placed by Rep. Rojas. This item will be addressed at City Council on September 14, 2004 (Item # 15). I will be faxing you a copy of her initial complaint. If you have any questions, please call me at 771-5702. Thanks.

**From:** Chavez, Maria Elena  
**Sent:** Monday, September 13, 2004 12:53 PM  
**To:** Gonzalez, Blanca M.  
**Cc:** Everett, Mark  
**Subject:** FW: Complaint 131 S. Yarbrough

On behalf of Dr. Magaña, attached is the information requested by Rep. Rojas.

As per Representative V. Rojas visit to the Health District on September 10, 2004, she requested that an environmental investigation be conducted on 131 S. Yarbrough. Ms. Rojas has also requested that soil and water sampling be done at this location. The Health District currently does not have the resources to comply with her request. However, she can contact the Texas Commission on Environmental Quality (834-4949) for said request. If you have any questions or require additional information, please do not hesitate to call me at 771-5702.

**From:** Marquez, Luz M.  
**Sent:** Friday, September 10, 2004 4:53 PM  
**To:** Chavez, Maria Elena  
**Subject:** Pictures 131 S. Yarbrough



100\_0639.JPG



100\_0623.JPG



100\_0624.JPG



100\_0625.JPG



100\_0626.JPG



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COMPLAINT Illegal dumping of medical waste, broken concrete and rock pieces,

LOCATION (Name)

ADDRESS

ZIP

PHONE

Vacant property behind Pic & Go Store

131 S. Yarbrough

79915

OWNER (Last, First)

ADDRESS

ZIP

PHONE

Olague, Ricardo

Other Pertinent information:

Person receiving report:

Juan I. Guillen

How reported Phone & Fax (Dr. Magana)

Date/time reported September 10, 2004

Inspector assigned

Sam Jarvis

Month/Day/Year September 10, 2004

Day of the week Friday

Time of day 11:00 a.m.

Initial date of investigation September 10, 2004

The report faxed by Dr. Magana's office is a report dated June 27, 2001. The allegation on that report states that Acme Environmental dump truck was observed illegally dumping a load of broken concrete and rock and that the site has a large

Amount of dirt, rock, and broken concrete dumped there. The report from Building Services Department is attached to this

Complaint Investigation Report. The report lacks information on the license plate of the company's truck that was illegally

dumping at the site and photos taken during the investigation. This report shows no information on permits to build at the site

and/or any documents to support that permission was allowed from the TNRCC to dump at the site

On 9-10-04, our database records show no complaint investigations for this property from 2001 to 8-24-04. There was one

complaint that was reported by Representative Vivian Rojas on 8-25-04 alleging infestation of mosquitoes. This complaint

was investigated by Senior Environmental Health Inspector Jorge Ramirez on 8-26-04. His report doesn't indicate if any breeding and/or infestation of mosquitoes. However, Vector Control was contacted on 9-8-04 to request that the surrounding

gets fogged for mosquitoes. Inspector Ramirez was advised by Vector Control that the area had been serviced on this same

day in the early morning hours. The owner was also advised on tall vegetation on the property. The property was cleaned

9-2-04.

Upon Dr. Magana's request Senior Environmental Health Inspector Sam Jarvis was assigned the investigation on illegal dumping. He initiated the investigation on this same property on 9-10-04. His investigation revealed no evidence of illegal

dumping activities. Some weeds and building material was noted on the property and the owner was advised to clean the property.

Investigator **Sam Jarvis**

Date **9-10-04**

Supervisor

Juan I. Guillen

Date 9-10-04

No: 05-97

Type

Inputted

Cleared

CI 05-97 131 S. Yarbrough

Inspector Sam Jarvis did issued the owner a Notice of Inspection to cut the weeds, to store some building material off the

the ground, and to remove a small portion (6" by 6") of soil contaminated with oil. The follow up inspection is set for 9-26-04.

Sam Jarvis also made contact with Tom Maguire from Building Permits and Inspection who is involved in plan review, slope,

and construction of the car lot. No violations were noted to hold up construction.

The City Engineering Department was involved an erosion problem on the property that has already been corrected.

The Texas Commission for Environmental Quality was also another source that was contacted. TCEQ did indicate that a complaint on dumping of weeds, dry trees, grass, trash and misc. building material was referred to the City-County Health

Department on 9-10-04. No other information was provided on whom it was referred too. This section didn't received a referral from TCEQ.

The County Prosecutor was also contacted where she provided some photos copies of a case she had on this property on or

about 6-27-04. The photos do show wood, concrete, plastic, grass, bricks, concrete slaps, rebar, dirt, and other type of dirt

mix. She also indicated inspector Edward M. Martinez filed in court around this time. The case was prosecuted on 7-21-03

As a Class C violation. The defendant was found guilty with a fine of \$500.00. She was not able to provide information if

the defendant abated the problem.

Inspector Sam Jarvis investigation is still pending abatement of some violation.



# ATTACHMENT 12

JOE WARDY  
MAYOR



## ENGINEERING DEPARTMENT *Engineering a Better Community*

September 9, 2004

Mr. Ricardo Olague  
2270 Nancy McDonald Dr.  
El Paso, TX 79936

SUBJECT: Erosion Abutting Irrigation Ditch, 131 S. Yarbrough Dr.

Dear Mr. Olague:

There is an erosion problem at the irrigation ditch side wall abutting the rear of your property that is in need of immediate attention. Because of the nature of the problem, you can repair the soil erosion without a permit, so long as you restrict the operation to repairing the damaged portion within your property to it's original state. Given the situation, these repairs must be completed by the close of business Friday, September 10, 2004. Thank you in advance, for your cooperation.

If you have any questions, please feel free to contact Mr. Bashar Abugalyon at (915) 541-4157.

Sincerely,

Irene Ramirez, P.E.  
Assistant City Engineer

cc: Representative Rojas, City Representative District 7  
Terri Cullen-Garney, Deputy City Attorney  
Patricia Adauto, Deputy CAO for Building & Planning Services  
Bashar Abugalyon, P.E., Chief Development Engineer

## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING Jr.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

## ATTACHMENT 13

JOE WARDY  
MAYOR



### CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING Jr.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

### ENGINEERING DEPARTMENT *Engineering a Better Community*

September 14, 2004

Mr. Ricardo Olague  
2270 Nancy McDonald Dr.  
El Paso, TX 79936

SUBJECT: Ponding Area on Property at 131 S. Yarbrough Dr.

Dear Mr. Olague:

In the letter dated September 9, 2004, you were asked to repair the erosion problem in the area adjacent to the irrigation ditch abutting your property and bring the site to its original condition. On Saturday, September 11, 2004, there was a failure of the wall abutting the irrigation ditch resulting in the loss of irrigation water into your property. This situation is unacceptable and therefore, you are directed to fill in the unfinished pond on your site and reinforce the wall abutting the irrigation ditch to prevent another event such as this. As previously requested, the property should be brought back to its original condition. Because of the nature of the situation, we ask that you finish reparations by noon, Friday, September 17, 2004. Should repairs not be finished, further action, including the issuance of citations, will be taken.

If you have any questions, please feel free to contact Mr. Bashar Abugalyon at 541-4157.

Sincerely,

Irene Ramirez, P.E.  
Assistant City Engineer

HME/myg

cc: Vivian Rojas, City Representative District 7  
Terri Cullen-Garney, Deputy City Attorney  
Patricia Adaute, Deputy CAO for Building & Planning Services  
Bashar Abugalyon, P.E., Chief Development Engineer

# ATTACHMENT 14

## CLASS C CITATION

DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment hearing at El Paso Municipal Court's Northeast site, 9600 DYER on:

10/14/04

month day year between the hours of 8:30-11:30 a.m. or 1:30-4:30 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

Officer's Name MAGUIRE NO. 0782 DIV. BP-1

EPPD CASE NO.

33- 139-195

Complainant (or store name)	
Address of Occurrence <u>1318 S. YARBROUGH</u> Dist.	
Offense #1 <u>HAZARDOUS CONDITION</u>	Code:
Offense #2	Code:
Time <u>10:15</u>	AM <input checked="" type="radio"/> PM <input type="radio"/> Date <u>09/15/04</u>
Parent's Name/ Address	
Defendant's First & Last Name	<u>RICARDO</u> MI
Race	Sex <u>M</u> Street Address
City	State Zip Code Phone Number
D.L. NO.	Licensing State
Total Value	DOB
Social Security No.	
Employer's Address Phone No.	

Name of Compl. Witness	MI
Street Address	
City	State Zip Code Phone No.
ATTY.	
PLEA <input type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY	FINDING <input type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY
CASE NO.	

[REDACTED]

04 SEP 17 PM 4:41

"RETAIN FOR SUBSEQUENT COUNCIL PUBLIC HEARING"



CITY OF EL PASO, TEXAS  
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: The Honorable Mayor and City Council  
Jim Martinez, Chief Administrative Officer  
Patricia D. Adauto, Deputy Chief Administrative Officer  
Laura Uribarri, Executive Assistant to the Mayor  
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Jorge E. Rousselin, Urban Planner

SUBJECT: Council Agenda Items (Resolution)  
Public Hearing: September 14, 2004

DATE: September 7, 2004

04 OCT 20 11 12

The following items have been scheduled for City Council action as noted above.  
Relevant information is attached. If you have any questions, please contact me at 541-4723.

SEE ATTACHED ITEMS FOR INTRODUCTION AND SUBSEQUESNT REGULAR COUNCIL MEETING.

Office Use Only		
Mayor's Office (4 copies):	date: _____	time: _____ by: _____
Representative District 1:	date: _____	time: _____ by: _____
Representative District 2:	date: _____	time: _____ by: _____
Representative District 3:	date: _____	time: _____ by: _____
Representative District 4:	date: _____	time: _____ by: _____
Representative District 5:	date: _____	time: _____ by: _____
Representative District 6:	date: _____	time: _____ by: _____
Representative District 7:	date: _____	time: _____ by: _____
Representative District 8:	date: _____	time: _____ by: _____
City Attorney's Office: (4 copies):	date: _____	time: _____ by: _____

C: George Sarmiento, Planning Director; Rudy Valdez, Chief Urban Planner; Esther Guerrero, Planning Tech.;  
Lisa A. Elizondo, City Attorney; Theresa Cullen-Garney, Deputy City Atty.; Matt Watson, Assistant City Atty.





PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT

**MEMORANDUM**

**DATE:** September 7, 2004

**TO:** The Honorable Mayor and City Council  
Jim Martinez, Chief Administrative Officer  
Patricia D. Adauto, Deputy Chief Administrative Officer  
Laura Uribarri, Executive Assistant to the Mayor  
Adrian Ocegueda, Executive Assistant to the Mayor

**FROM:** Jorge E. Rousselin, Urban Planner

A handwritten signature in black ink, appearing to read "JER", is written over the name "Jorge E. Rousselin".

**SUBJECT: ZON04-00070:** Tract 23B, Block 29, Ysleta Grant & Tract 8H, Block 33, Ysleta Grant  
**LOCATION:** 131 S. Yarbrough (District 7)  
**REQUEST:** Detailed site development plan to comply with Zoning condition

---

The City Plan Commission (CPC), on August 19, 2004, voted 5-1 with one (1) abstention to recommend **APPROVAL** of this detailed site development plan for a proposed automotive sales business, concurring with Staff's recommendation.

The CPC found that this detailed site development plan satisfies the City's the minimum requirements necessary to protect the best interest, health, safety and welfare of the community. The CPC also determined that the proposed development complies with all ordained development standards of the C-3/sc/c (Commercial/special contract/conditions) zoning district and that the proposed use is in conformance with The Plan for El Paso, the Year 2025 Projected General Land Use Map and the proposed use is compatible with adjacent land uses.

There was **OPPOSITION** to this request.

**Attachment:** Staff Report

**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00070, FOR TRACT 23 B, BLOCK 29, YSLETA GRANT AND TRACT 814, BLOCK 33, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (131 SOUTH YARBROUGH DR.), PURSUANT TO ZONING CONDITIONS AS IMPOSED BY ORDINANCE NO. 014916. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **Ricardo Olague** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition, to permit the construction and development of an automotive sales facility; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to zoning conditions imposed by Ordinance No. 014916, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of an **automotive sales facility** on the following described property which is located in a **C-3/sc/c (Commercial/special contract/conditions)**

**District:**

*Tract 23 B, Block 29, Ysleta Grant and Tract 814, Block 33, Ysleta Grant, El Paso, El Paso County, Texas; and municipally numbered as 131 South Yarbrough Drive.*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/sc/c (Commercial/special contract/conditions) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/sc/c (Commercial/special contract/conditions) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. The Applicant shall agree to the following conditions as part of the detailed site development plan approval:

- a. The Applicant is authorized to install the required rockwall, from the area at point "A" and heading in a counterclockwise direction to point "B," both points shown in the detailed site plan attached hereto as Exhibit "A", up to eight (8) feet into his property. Should the rockwall be placed inside the Applicant's property, then the private pond and landscaping may be moved toward the interior of the Applicant's property no more than that same amount.
- b. With regard to placement of a rockwall along the area abutting Tracts 17, 18, and 19 of San Jose Park Subdivision, the applicant shall not utilize any rockwall located within any of the aforementioned tracts as means of compliance with the requirement of providing a rock wall without express written authorization from the affected property owner regarding same.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

**ADOPTED this \_\_\_\_\_ day of September, 2004**

**THE CITY OF EL PASO**

---

Joe Wardy, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Jorge E. Rousselin, Urban Planner  
Planning, Research & Development

\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Matt Watson, Assistant City Attorney

**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00070, FOR TRACT 23 B, BLOCK 29, YSLETA GRANT AND TRACT 8H, BLOCK 33, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (131 SOUTH YARBROUGH DR.), PURSUANT TO ZONING CONDITIONS AS IMPOSED BY ORDINANCE NO. 014916. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **Ricardo Olague** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition, to permit the construction and development of a commercial day care; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to zoning conditions imposed by Ordinance No. 014916, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of an **automotive sales facility** on the following described property which is located in a **C-3/sc/c (Commercial/special contract/conditions)**

**District:**

*Tract 23 B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas; and municipally numbered as 131 South Yarbrough Drive.*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/sc/c (Commercial/special contract/conditions) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/sc/c (Commercial/special contract/conditions) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. The Applicant shall agree to the following conditions as part of the detailed site development plan approval:

- a. The Applicant is authorized to install the required rockwall, from the area at point "A" and heading in a counterclockwise direction to point "B," both points shown in the detailed site plan attached hereto as Exhibit "A", up to eight (8) feet into his property. Should the rockwall be placed inside the Applicant's property, then the private pond and landscaping may be moved toward the interior of the Applicant's property no more than that same amount.
- b. With regard to placement of a rockwall along the area abutting Tracts 17, 18, and 19 of San Jose Park Subdivision, the applicant shall not utilize any rockwall located within any of the aforementioned tracts as means of compliance with the requirement of providing a rock wall without express written authorization from the affected property owner regarding same.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

**ADOPTED this \_\_\_\_\_ day of September, 2004**

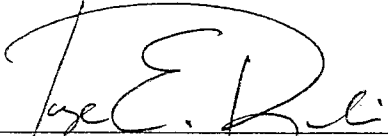
THE CITY OF EL PASO

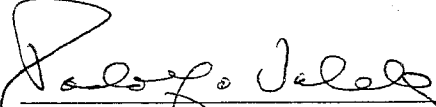
\_\_\_\_\_  
Joe Wardy, Mayor

ATTEST:

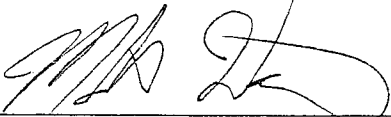
\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jorge E. Rousselin, Urban Planner  
Planning, Research & Development

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

APPROVED AS TO FORM:


  
\_\_\_\_\_  
Matt Watson, Assistant City Attorney



## DEVELOPMENT AGREEMENT

By execution hereof, I, **Ricardo Olague**, the Applicant, identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree to develop the property legally described as *Tract 23 B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas; and municipally numbered as 131 South Yarbrough Drive*, in accordance with the approved detailed site development plan attached hereto as Exhibit "A" and incorporated herein by reference and in accordance with the standards applicable to the **C-3/sc/c (Commercial/special contract/conditions) District** located within the City of El Paso.

EXECUTED this 26th day of August, 2004

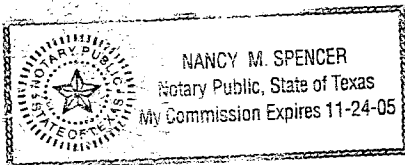
  
\_\_\_\_\_  
Ricardo Olague

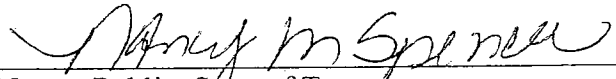
## ACKNOWLEDGMENT

THE STATE OF TEXAS    )  
                                      )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this 26th day of August, 2004, by **Ricardo Olague**, as Applicants.

My Commission Expires:



  
\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Nancy M Spencer

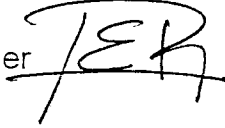


PLANNING, RESEARCH, & DEVELOPMENT DEPARTMENT  
CITY OF EL PASO

MEMORANDUM

To: Matt Watson, Assistant City Attorney

CC: George G. Sarmiento, AICP Director of Planning  
Alan R. Shubert, P.E., Building Permits & Inspections Director  
Rudy Valdez, Chief Urban Planner

From: Jorge E. Rousselin, Urban Planner 

Date: August 30, 2004

Subject: Chronology of Detailed Site Development Plan ZON04-00070  
(131 S. Yarbrough)

Per your request, attached please find the chronology of the property as described above. If you require additional information, please contact me at 541-4723.

**Chronology of Detailed Site Development Plan ZON04-00070 (131 S. Yarbrough)**

**March 21, 1975**

Subject property was rezoned to C-1 (Commercial) under Ordinance No. 5508 and imposing certain conditions:

- Construct 6' masonry screening walls along the northerly, southerly and westerly boundary of property at a point above highest grade of property;
- Construct a facility for on-site ponding of flood waters; and
- Construct a concrete sidewalk along Yarbrough Dr. parallel to eastern boundary of property.

**August 14, 2001**

Subject property was rezoned on August 14, 2001 under Ordinance No. 014916 which changed the Zoning from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing the condition of Detailed Site Development Plan approval by the City Plan Commission and City Council before building permits are issued.

**May 19, 2004**

Completed application for Detailed Site Development Plan was received by the Planning, Research & Development Department and accepted for processing.

**June 02, 2004**

Planning, Research & Development Department field checks site.

**June 09, 2004**

Item is placed on Development Coordinating Committee (DCC) for discussion & action. Item is postponed for one week to the June 16, 2004 DCC meeting.

**June 16, 2004**

DCC postpones item for one week to the June 23, 2004 meeting.

**June 23, 2004**

DCC postpones item for one week to the June 30, 2004 meeting.

**June 30, 2004**

DCC approves the application finding that it meets all requirements of a detailed site development plan.

**July 08, 2004**

City Plan Commission (CPC) postpones action on the item to the July 22, 2004 CPC meeting upon request by the property owner.

**July 22, 2004**

CPC postpones action on the item to the August 19, 2004 meeting.

**July 28, 2004**

DCC reconsiders the item and postpones action to the August 04, 2004 meeting.

**August 04, 2004**

DCC postpones item for one week to the August 11, 2004 meeting.

**August 11, 2004**

DCC postpones item for one week to the August 18, 2004 meeting.

**August 18, 2004**

DCC approves the application finding that it meets all requirements of a detailed site development plan.

**August 19, 2004**

CPC approves the application finding that it meets all requirements of a detailed site development plan. Vote: 5-1 with one abstention.

**August 26, 2004**

Resolution scheduled for City Council action on September 14, 2004.

## STAFF REPORT

*Detailed Site Plan:* ZON04-00070

*Property Owner(s):* Ricardo Olague

*Applicant(s):* Same

*Representative(s):* Fermin Dorado

*Legal Description:* Tract 23B, Block 29, Ysleta Grant & Tract 814, Block 33, Ysleta Grant

*Location:* 131 S. Yarbrough

*Representative District:* # 7

*Area:* 2.16 Acres (94,182.64 square feet)

*Present Zoning:* C-3/sc (Commercial/special contract/conditions)

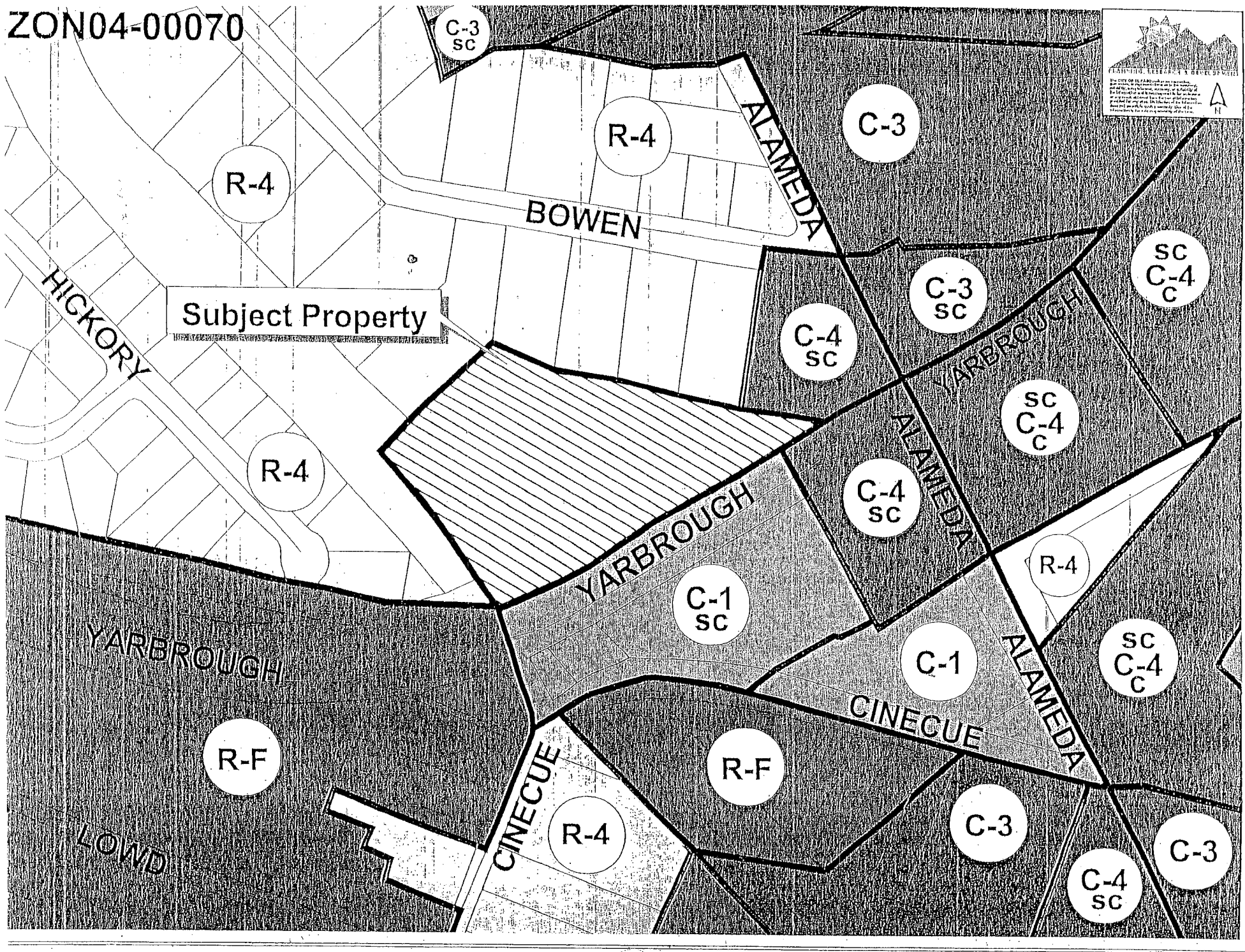
*Present Use:* Vacant

*Proposed Use:* Automotive sales

*Surrounding Land Uses:*

<i>North -</i>	R-4 (Residential) Residences
<i>South -</i>	C-1/sc (Commercial/special contract) Vacant land
<i>East -</i>	C-4/sc (Commercial/special contract) Running Bear Convenience Store
<i>West-</i>	R-4 (Residential) Residences / Franklin Drain

*Year 2025 Designation:* Commercial (Lower Valley Planning Area)



## Detailed Site Development Plan: ZON04-00070

### General Information:

On July 22, 2004, the City Plan Commission (CPC) postponed the subject site plan to the August 19, 2004 meeting of the CPC. The postponement was enacted to allow the applicant to address the various development issues concerning the irrigation ditch, ponding area location, and location of existing and proposed screening walls. The Development Coordinating Committee (DCC) reconsidered the item and their recommendation is stated below.

The subject site plan was submitted in order to permit automotive sales. Site plan review is required because zoning conditions and a special contract exist on the subject property as imposed by Ordinance #014916 which granted a change of zoning from C-1 (Commercial) to C-3/sc/c (Commercial/special contract/conditions). The property is currently zoned C-3/sc/c (Commercial/special contract/conditions) which requires detailed site plan review and approval by the Plan Commission and the City Council. The site is currently vacant and is 2.16 acres in size. The proposed site plan shows one building to be located on the site. Access is proposed via Yarbrough; 28 parking spaces are provided; 5820 sq. feet of landscape is proposed. A 6' screening wall is proposed near the north property line abutting residential. There is a zoning condition imposed on this property requiring site plan review.

### Information to the Commission:

The Planning, Research & Development Department has received a petition dated June 17, 2004 with **eight (8) signatures** in **OPPOSITION** to the proposed plan; **one (1) faxed letter** dated June 16, 2004 in **OPPOSITION** to C-3 zoning on the subject property; and **one (1) faxed letter** dated July 7, 2004 in **OPPOSITION** to unauthorized construction work on the site.

### Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this detailed site development plan review with the following condition(s):

*"Forming a point between Lots 16 & 17 of San Jose Subdivision at the north end of the subject property and heading in a counter-clockwise direction to a point where the subject property intersects with Yarbrough Drive, applicant is authorized to install the required rock wall up to 8' into his property and away from the property line shown on this detailed site plan, at his discretion, as same may be necessary in consideration of possible issues pertaining to an abutting community ditch. Should the rock wall be placed further inside applicant's property than the property line, features to include the private pond and landscaping, may be moved toward the interior of applicants property no more than that same amount.*

*With regard to the rock wall placement in the area abutting lots 17, 18, & 19 of San Jose Subdivision to the north, the applicant shall not utilize any rock wall actually in one of the aforementioned lots and not in his property or otherwise extend same as means of compliance with the*



*requirement of providing a rock wall without express written authorization from the affected property owner regarding same."*

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso "provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development."

The Year 2025 Projected General Land Use Map for the Lower Valley Planning Area designates this property for **Commercial** land uses.

**C-3/sc/c (Commercial/special contract/conditions)** zoning permits automotive sales.

The Commission must determine the following:

- A. Does the detailed site development plan satisfy the city's minimum requirements necessary to protect the public health, safety, and general welfare of the community?
- B. Does the proposed development comply with all ordained development standards of the **C-3/sc/c (Commercial/special contract/conditions) zoning** district.

**Information To The Applicant:**

Building Permits and Inspections Department, Zoning Division Notes:

- Screening walls are required along the northern and western property lines.

Engineering, Construction Division Notes:

- See enclosure 1

Engineering, Traffic Division Notes:

- No apparent concerns

Fire Department Notes:

- Site plan does not adversely affect Fire Department.

El Paso Water Utilities Notes:

- See enclosure 2

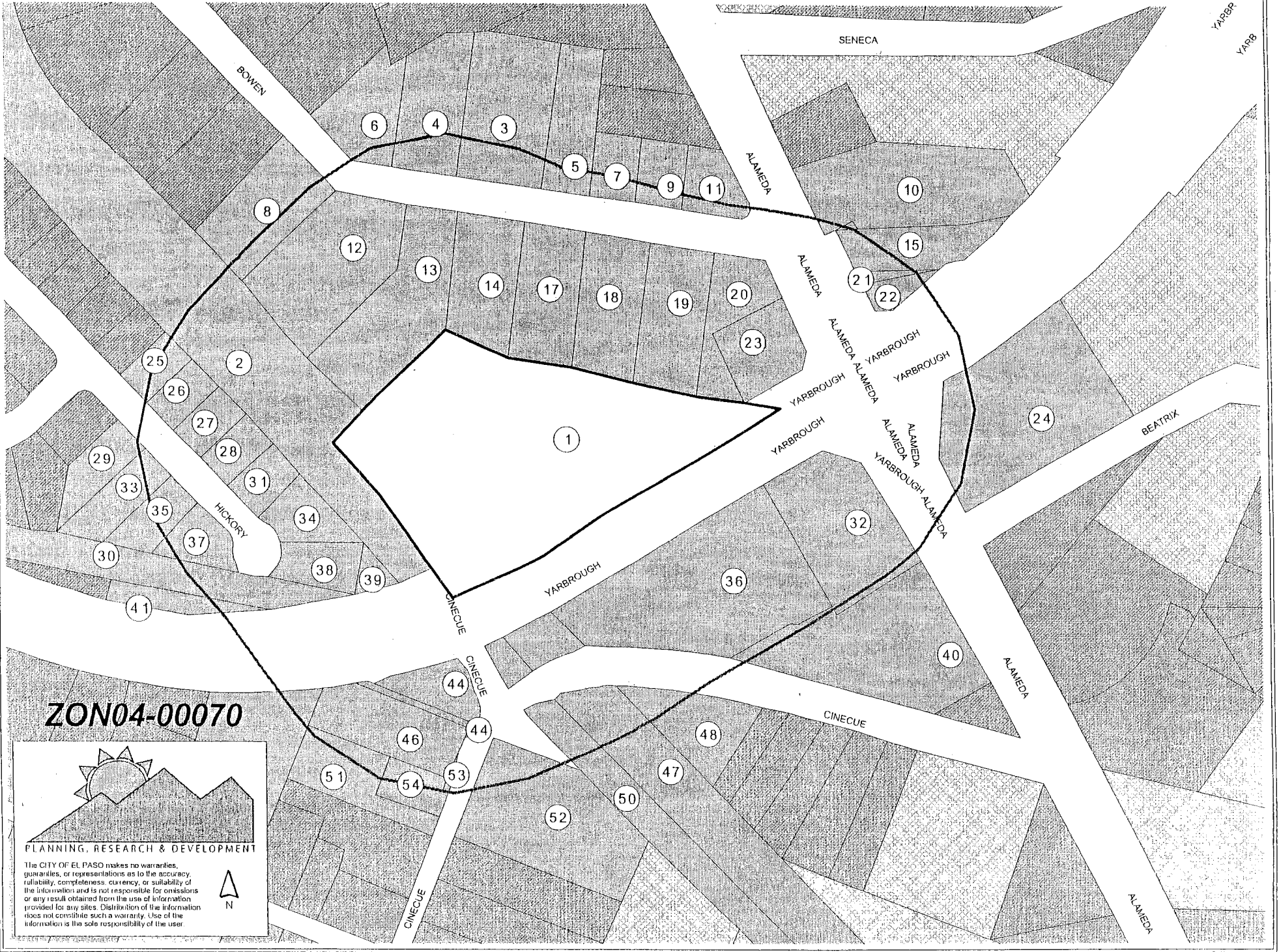
Planning, Research and Development Department Notes:

- Coordination with Engineering on drainage, ponding, and irrigation issues

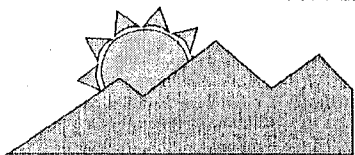
- Coordination with Building Permits & Inspections on screening walls, landscape calculations, and parking requirements.

**ATTACHMENT:** Location Map; Site Plan; Department comments.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.



**ZON04-00070**



**PLANNING, RESEARCH & DEVELOPMENT**

The CITY OF EL PASO makes no warranties, guarantees, or representations as to the accuracy, reliability, completeness, currency, or suitability of the information and is not responsible for omissions or any result obtained from the use of information provided for any sites. Distribution of the information does not constitute such a warranty. Use of the information is the sole responsibility of the user.



# RICHY'S AUTO CENTER

TRACT 23B, BLOCK 28, YSLETA GRANT &  
TRACT 24L, BLOCK 33, YSLETA GRANT  
City of El Paso, County of El Paso, Texas  
Containing 94,182.84 Sq. Ft. or 2.162 Acres



*08.09.04*

## FLOOD ZONE

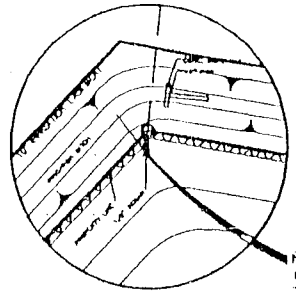
THIS PROPERTY IS LOCATED IN  
FLOOD ZONE C AS PER FLOOD INSURANCE  
RATE MAP COTERMINITY - PANEL NUMBER 40001-0001  
DATED 10-15-82

## ZONE

C-3 DC

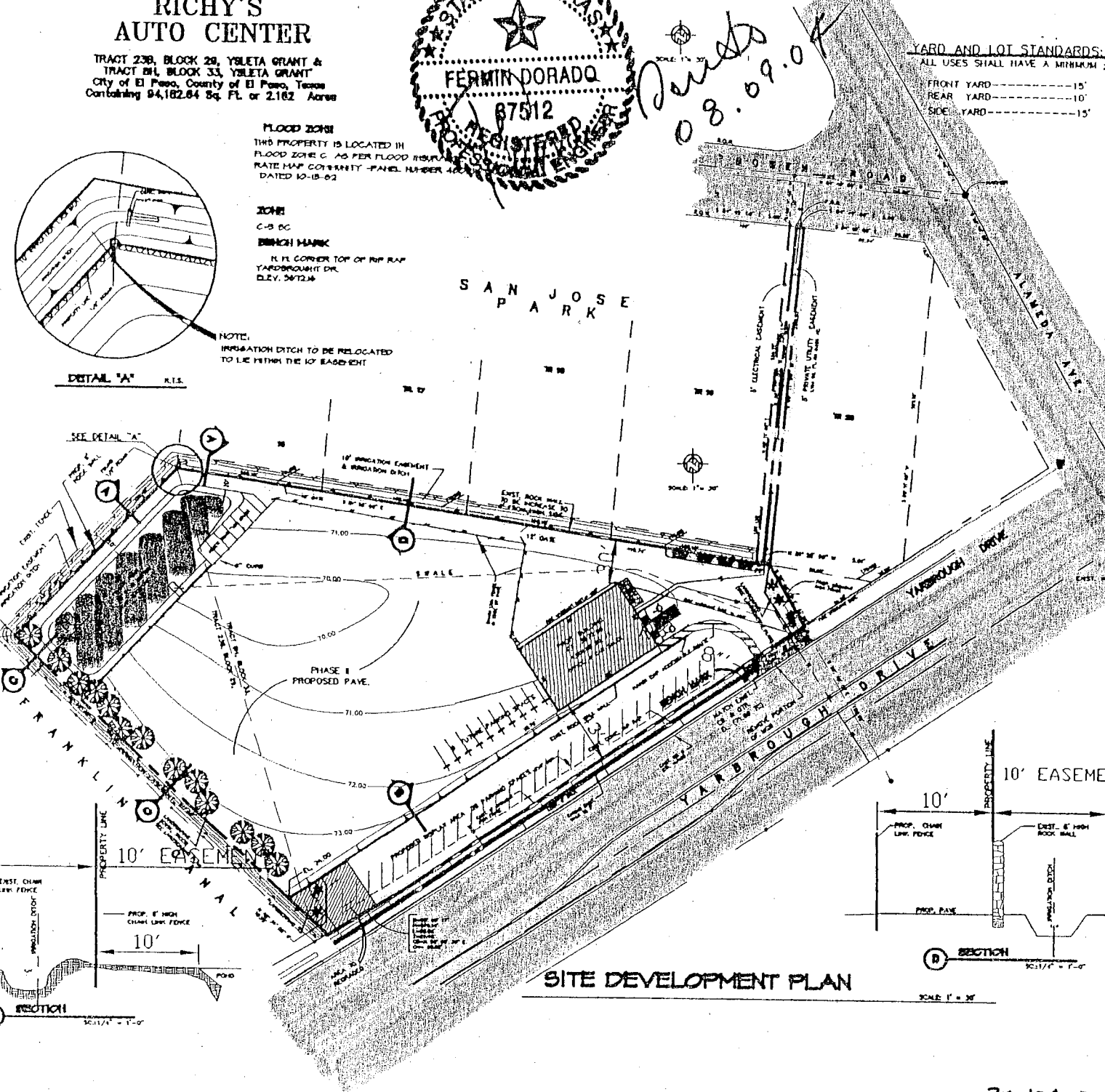
## BRANCH MARK

N.E. CORNER TOP OF R.P. MAP  
YARBROUGH DRIVE  
ELEV. 5072.14



DETAIL "A"

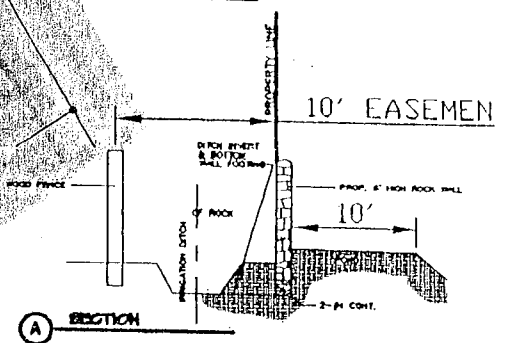
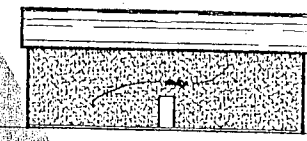
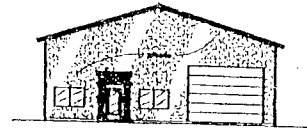
NOTE:  
IRRIGATION DITCH TO BE RELOCATED  
TO LIE WITHIN THE 10' EASEMENT



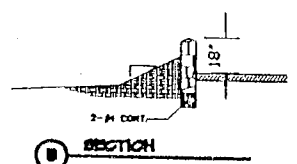
## SITE DEVELOPMENT PLAN

**YARD AND LOT STANDARDS:**  
ALL USES SHALL HAVE A MINIMUM:

- FRONT YARD-----15'
- REAR YARD-----10'
- SIDE YARD-----15'



SECTION A



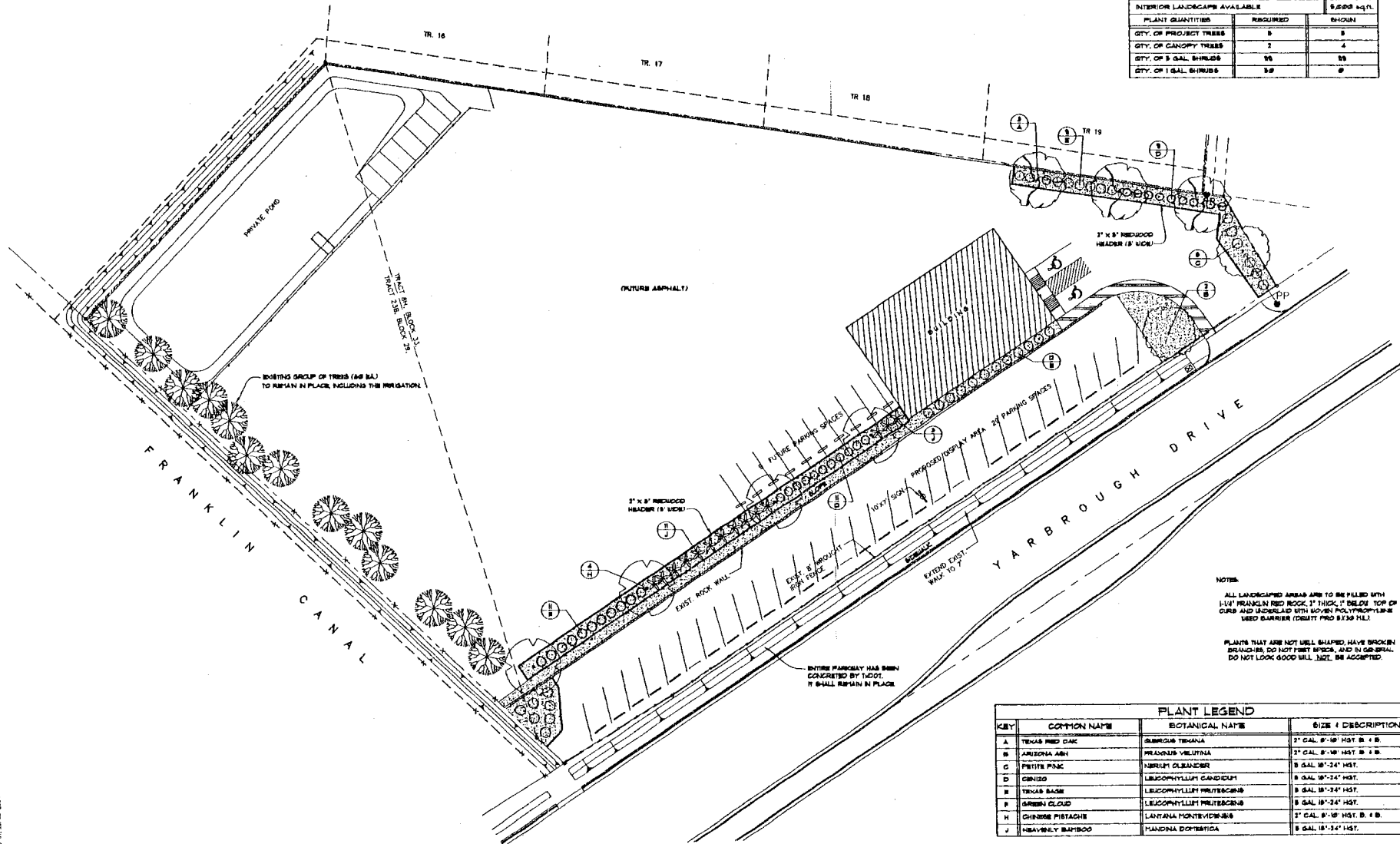
SECTION B

Lottery Results		
Lottery #	Winning #	Prize
1	2	100,000
2	3	50,000
3	4	25,000
4	5	10,000
5	6	5,000
6	7	2,500
7	8	1,000
8	9	500
9	10	250
10	11	100
11	12	50
12	13	25
13	14	10
14	15	5
15	16	2
16	17	1
17	18	1
18	19	1
19	20	1

**PARKING SPACES CALCULATIONS**  
1 BUILDING 80'X50=4,000 SQ. FT.  
10 PARKING SPACES REQ.  
PARKING FOR OFFICE = 1 / 300 SQ. FT.  
2 PARKING SPACES REQUIRED  
PARKING SPACES REQUIRED = 12  
PARKING SPACES AVAILABLE = 28

20N04-00070 (REVISED 08.09.04)

LANDSCAPE ORDINANCE		
TOTAL LANDSCAPE AREA REQUIRED:		4,800 sq. ft.
PARKWAY LANDSCAPE AREA (11' x 331')		3,651 sq. ft.
REQUIRED INTERIOR LANDSCAPE AREA		1,338 sq. ft.
INTERIOR LANDSCAPE AVAILABLE		5,250 sq. ft.
PLANT QUANTITIES		
	REQUIRED	SHOWN
QTY. OF PROJECT TREES	5	5
QTY. OF CANOPY TREES	2	4
QTY. OF 5 GAL. SHRUBS	55	55
QTY. OF 1 GAL. SHRUBS	52	0



NOTES:

ALL LANDSCAPED AREAS ARE TO BE FILLED WITH 1/4" FRANKLIN RED ROCK, 1" THICK, 1" BELOW TOP OF CURB AND UNDERLAD WITH WOVEN POLYPROPYLENE USED BARRIER (DEBTY PRO 5530 TIL).

PLANTS THAT ARE NOT WELL SHAPED HAVE BROKEN BRANCHES, DO NOT FIRST SPECIES, AND IN GENERAL, DO NOT LOOK GOOD WILL, NOT, BE ACCEPTED.

PLANT LEGEND		
KEY	COMMON NAME	BOTANICAL NAME
A	TEXAS RED OAK	QUERCUS TEXANA
B	ARIZONA ASH	FRAXINUS VELUTINA
C	WHITE PINE	NEEDLE OLEANDER
D	ORANGE	LEUCOPHYLLUS GANDOLPHI
E	TEXAS BASS	LEUCOPHYLLUS WHITEBARK
F	GREEN CLOUD	LEUCOPHYLLUS WHITEBARK
G	CHINESE PISTACHE	LANTANA MONTEVIDEOENSIS
H	HEAVENLY BLAZED	PLANDINA DORTMUNDIA
		SIZE & DESCRIPTION
		2' GAL. 8'-10' HGT. B. 4 B.
		2' GAL. 8'-10' HGT. B. 4 B.
		5 GAL. 18'-24' HGT.
		5 GAL. 18'-24' HGT.
		5 GAL. 18'-24' HGT.
		5 GAL. 18'-24' HGT.
		5 GAL. 18'-24' HGT.
		5 GAL. 18'-24' HGT.

DRAFTING SERVICE & DESIGN C.A.D.

249 Guadalupe St. El Paso, TX 79907

858-0226

AND

LANDSCAPE ARCHITECTURE

11111 11111

RICHY'S AUTO CENTER

131 S. YARBROUGHT DRIVE

CITY OF EL PASO,

EL PASO COUNTY, TX.

LANDSCAPE PLAN

1 of 3

26N04-00070 (REVISED)

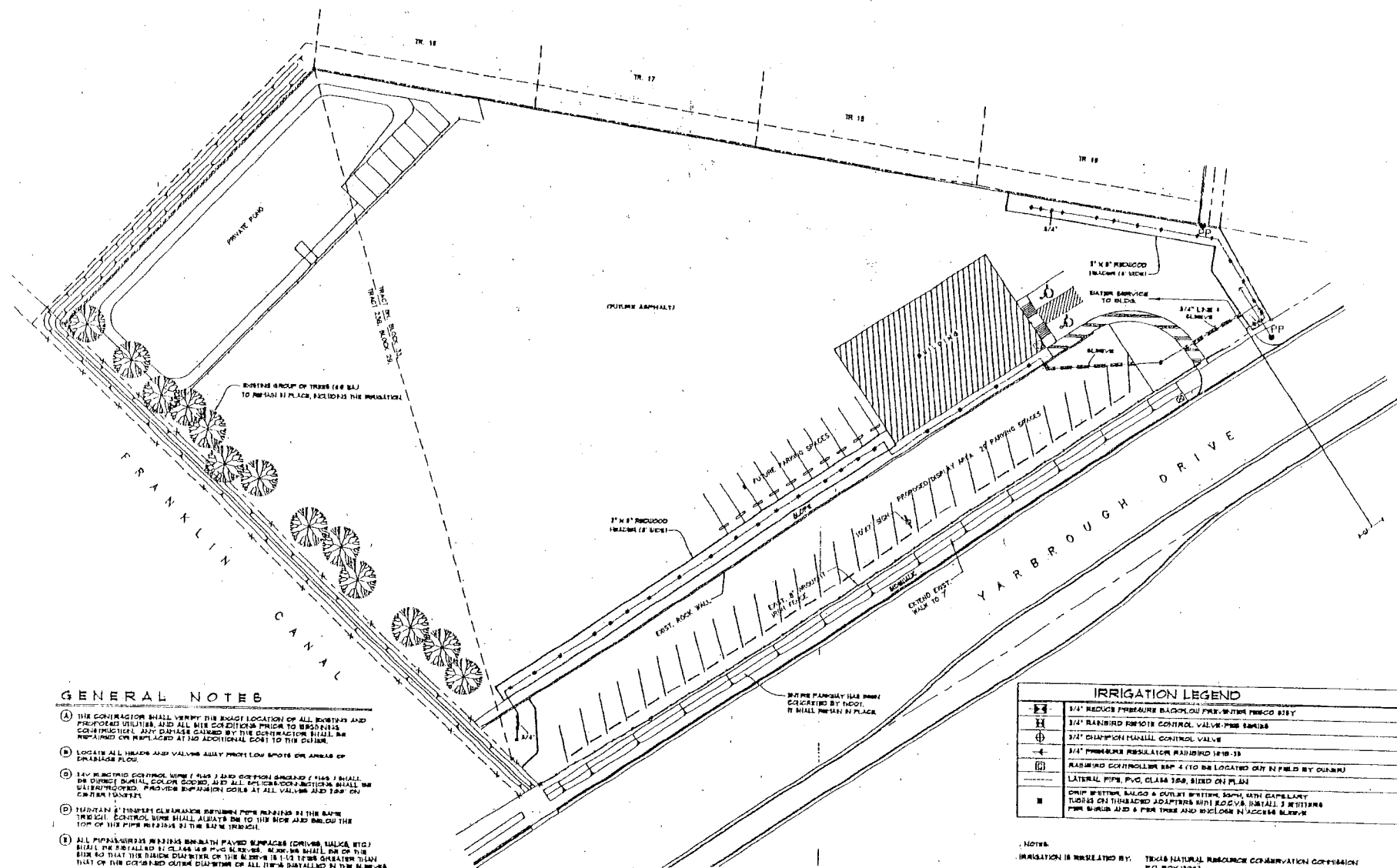
DRAFTING SERVICE  
& DESIGN  
J. G. GARDNER  
345 Guadalupe Dr.  
El Paso, Texas 79907  
956-0626

LANDSCAPE ARCHITECT  
J. G. GARDNER  
345 Guadalupe Dr.  
El Paso, Texas 79907  
956-0626

RICHY'S AUTO CENTER  
131 S. YARBROUGHT DRIVE  
CITY OF EL PASO,  
EL PASO COUNTY, TX.

IRRIGATION PLAN

2 of 3

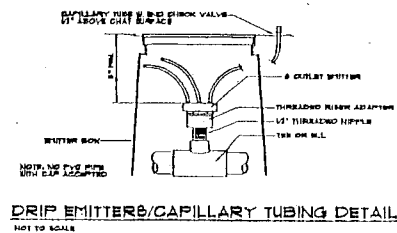
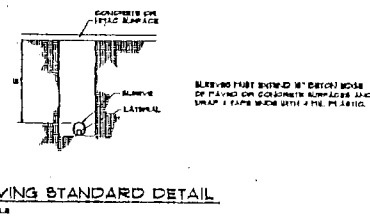
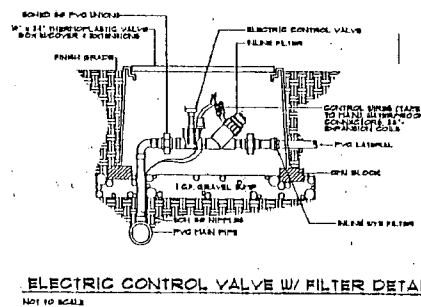
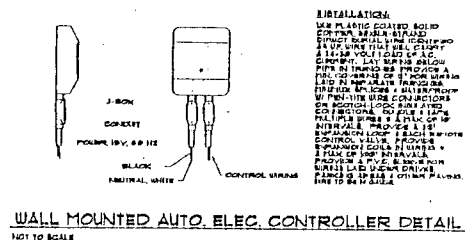
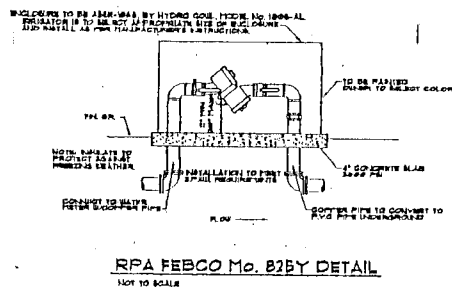


- GENERAL NOTES**
1. THE CONTRACTOR SHALL VERIFY THE EXISTING LOCATION OF ALL EXISTING AND PROPOSED UTILITIES, AND ALL NEW CONDUITS SHALL BE PROTECTED. ANY DAMAGES CAUSED BY THE CONTRACTOR SHALL BE REPAIRED OR REPLACED AT THE ADDITIONAL COST TO THE OWNER.
  2. LOCATE ALL UTILITY AND VALVE ASSET POINTS LOW SPOTS OR AREAS OF OVERFLOW.
  3. 1/2\"/>

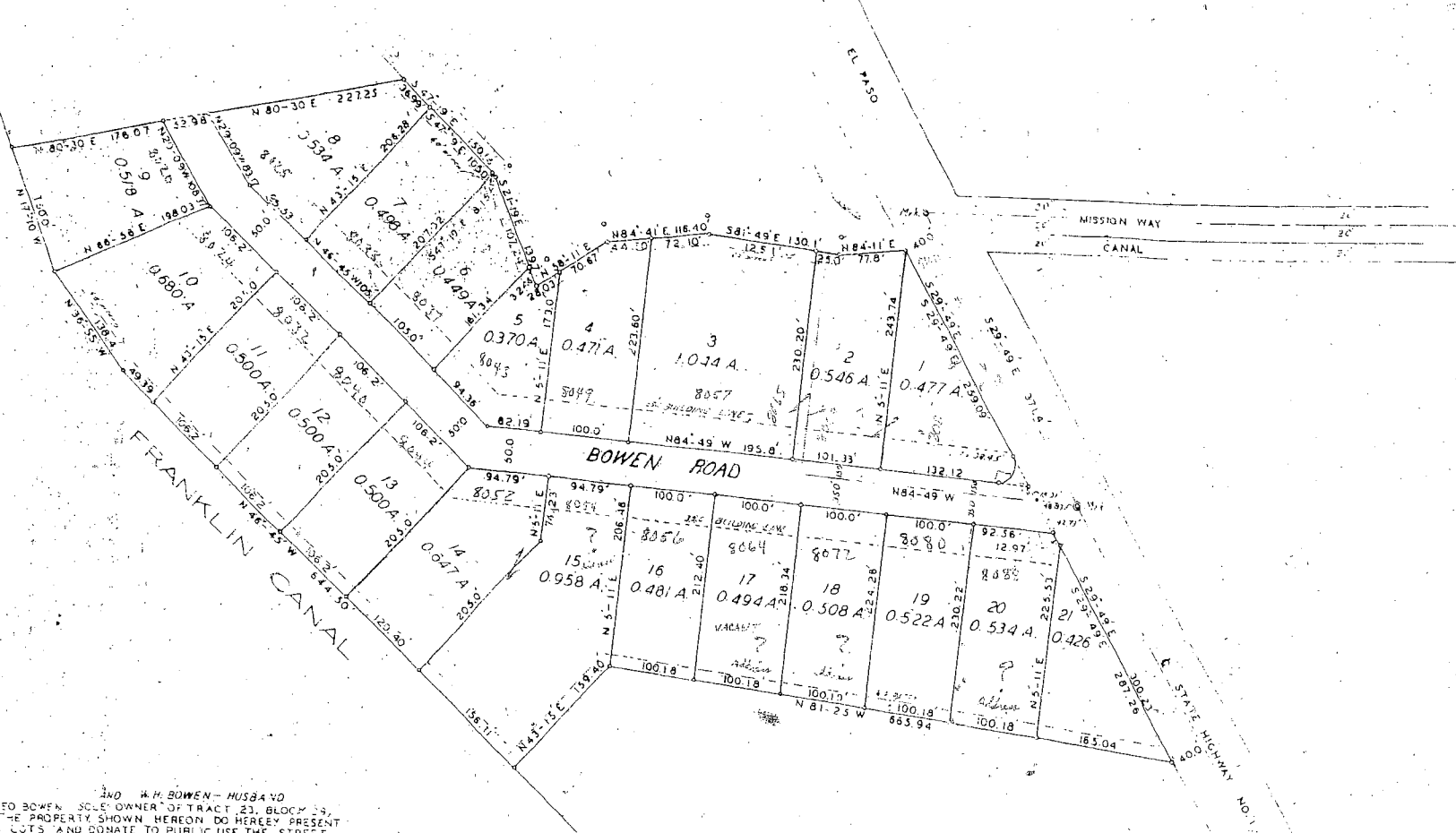
IRRIGATION LEGEND	
	1/2\"/>

NOTES:  
IRRIGATION IS REGULATED BY: TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
P.O. BOX 10061  
AUSTIN, TX 78710-0061  
ALL LATERALS UNDER CONCRETE SURFACES MUST BE LOCATED BY PVS MINIMUM 10' FROM THE SIDE OF LATERAL.

IRRIGATION PLAN  
SCALE: 1" = 20'







STATE OF TEXAS  
EL PASO COUNTY

AND W.H. BOWEN - HUSBAND

LORENA LEO BOWEN, SOLE OWNER OF TRACT 23, BLOCK 29, YSLETA GRANT, BEING THE PROPERTY SHOWN HEREON DO HEREBY PRESENT THIS MAP, DESIGNATING LOTS AND DONATE TO PUBLIC USE THE STREET AND EASEMENTS - UTILITY EASEMENTS WITH PERMISSION TO INSTALL POLES, WIRES, AND CORDS AND GUYS.

EXECUTED THIS THE 12 DAY OF April 1947

Lorena Leo Bowen W.H. Bowen

STATE OF TEXAS — JOINT ACKNOWLEDGMENT —

EL PASO COUNTY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, TEXAS, ON THE DAY APPEARED

W.H. Bowen AND Lorena Leo Bowen HIS WIFE, BOTH KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EACH EXECUTED THE SAME FOR THE PURPOSES THEREIN EXPRESSED, AND THE SAID

Lorena Leo Bowen WIFE OF THE SAID W.H. Bowen HAVING BEEN EXAMINED BY ME PRIVILY AND APART FROM HUSBAND, AND HAVING THE SAME FULLY EXPLAINED TO HER, SHE THE SAID Lorena Leo Bowen ACKNOWLEDGED SUCH INSTRUMENT TO BE HER ACT AND DEED, AND SHE DECLARED THAT SHE HAD WILLINGLY SIGNED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND THAT SHE DID NOT WISH TO RETRACT IT. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12 DAY OF April A.D. 1947

APPROVED FOR FILING APRIL 14 1947

Lee Bowen  
COUNTY ENGINEER

#88272

FILED FOR RECORD THIS THE 12 DAY OF April 1947

W.H. Bowen  
COUNTY CLERK

By  
By W.H. Bowen  
By

SURVEYED BY COUNTY SURVEYOR

PLAT

OR

SAN JOSE PARK

BEING A SUBDIVISION OF A PORTION OF TRACT 23  
LOCATED IN BLOCK 29 IN THE YSLETA GRANT,  
EL PASO COUNTY, TEXAS.

PREPARED MARCH 1947 L.C. LANDON

CHECKED BY W.H. Bowen

Surveyed April 1947  
W.H. Bowen

ACCEPTED AND ORDERED FILED BY COMMISSIONERS COURT OF  
EL PASO COUNTY THE 12 DAY OF April 1947

W.H. Bowen  
COUNTY JUDGE

AN ORDINANCE CHANGING THE ZONING OF TRACT 23B, BLOCK 29 AND TRACT 8H, BLOCK 33, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS, (100 BLOCK OF SOUTH YARBROUGE DRIVE NEAR INTERSECTION WITH ALAMEDA AVENUE) FROM C-1/SC (COMMERCIAL/SPECIAL CONDITIONS) TO C-3/SC (COMMERCIAL/SPECIAL CONDITIONS) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Tract 23B, Block 29 and Tract 8H, Block 33, YSLETA GRANT, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibits "A" and "B,"* be changed from C-1/sc (Commercial/special conditions) to C-3/sc (Commercial/special conditions) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

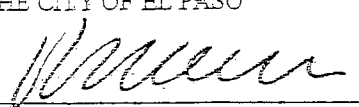
That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from C-1/sc (Commercial/special conditions) to C-3/sc (Commercial/special conditions) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Submittal of a detailed site development plan, subject to the notice and approval requirements of Article III of Title 20 (Zoning) of the El Paso Municipal Code, for approval by the City Plan Commission and City Council prior to the issuance of a building permit or a certificate of occupancy.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in their discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 14<sup>th</sup> day of August, 2001.

THE CITY OF EL PASO

  
Raymond C. Caballero  
Mayor

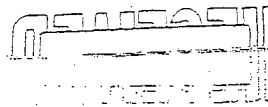
CJC:pmc#78375\ZON\PLA\Y6

ORDINANCE NO. \_\_\_\_\_

014916

7/18/01

Zoning Case No. ZC-01031



Carole Hunter

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Carolyn J. Celum

Carolyn J. Celum  
Assistant City Attorney

Verónica Rosales

Verónica Rosales, AICP, Zoning Coordinator  
Dept. of Planning, Research & Development

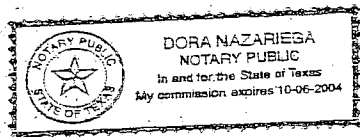
Acknowledgment

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 14<sup>th</sup> day of August  
2001, by Raymond C. Caballero as Mayor of THE CITY OF EL PASO.

My Commission Expires:

Dora Nazariega  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Dora Nazariega



5508

~~5008~~

AN ORDINANCE CHANGING THE ZONING  
OF A PORTION OF TRACT 23B, BLOCK  
29 AND ALL OF TRACT 8A, BLOCK 33,  
YSLETA GRANT, THE PENALTY BEING  
AS PROVIDED IN SECTION 25-10 OF THE  
EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Tract 23B, Block 29, as more particularly described below, and all of Tract 8A, Block 33, Ysleta Grant be changed to C-1 within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Being the description of 4.348 acres of land in Tract 23B, Block 29 and Tract 8-A, Block 33, Ysleta Grant, City of El Paso, El Paso County, Texas and being more fully described by metes and bounds as follows:

Beginning at a point for the intersection of the easterly line of the Franklin Canal (80.8 feet wide) and the northerly line of an irrigation lateral (20 feet wide), said point being the southwesterly corner of Tract 8-A, Block 33, Ysleta Grant, City of El Paso, El Paso County, Texas;

Thence North  $46^{\circ} 34'$  West a distance of 169.00 feet along the easterly right of way line of the Franklin Canal to a point;

Thence North  $16^{\circ} 50'$  West a distance of 4.00 feet along the easterly right of way line of the Franklin Canal to a point for the southerly corner of Tract 23-B, Block 29, Ysleta Grant;

Thence North  $46^{\circ} 45'$  West a distance of 277.00 feet to a point for the northwest corner of Tract 23-B, said Block 29;

Thence North  $43^{\circ} 15'$  East a distance of 159.40 feet to a point for the northerly common corner of said Tract 23-B, Block 29 and Tract 8-A, Block 33;

Thence South  $81^{\circ} 25'$  East a distance of 478.31 feet to a point;

Thence South  $29^{\circ} 49'$  East a distance of 1.28 feet to a point on the northerly right of way line of Yarbrough Drive (120 feet wide);

Thence South  $56^{\circ} 11'$  West a distance of 53.09 feet along the northerly line of Yarbrough Drive to a point;

Thence South  $29^{\circ} 49'$  East a distance of 328.49 feet to a point on the common boundary between Tract 8-A and Tract 8-B, said Block 46;

Thence South  $59^{\circ} 16' 56''$  West a distance of 35.69 feet to a point;

5508

~~5008~~

Thence North 44° 49' 30" West a distance of 14.10 feet to a point;

Thence South 58° 56' West a distance of 115.80 feet to a point on the northerly line of an irrigation lateral;

Thence North 78° 11' West a distance of 181.37 feet along the northerly line of an irrigation lateral to a point;

Thence South 82° 16' West a distance of 59.60 feet along the northerly line of an irrigation lateral to the point of beginning.

PASSED AND APPROVED this 27<sup>th</sup> day of MARCH,

1975.

Frederic Hervey  
Mayor

ATTEST:

Wm. Regis  
City Clerk

Certify that the zoning map has been revised to  
reflect the amendment of ordinance 5508  
Paul Gonzales Date 4-15-75

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: 20 CT.  
4-11-75 COUNTER  
4-11-75 ORIGINAL  
4-11-75 Bldg. Inspecting  
4-15-75 CONTROL Paul Gonzales

5508

5008

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with JOHN MUIR KIPP, TRUSTEE, et al., placing certain restrictions on property rezoned by Ordinance No. 5508.

ADOPTED this 27<sup>th</sup> day of MARCH, 1975.

*Fred Harvey*

Mayor

ATTEST:

*W. R. Rizer*

City Clerk

MAR 28 1975

DEPT. OF  
PLANNING

CONTRACT

This contract, made this 21 day of March, 1975,  
by and between JOHN MUIR KIPP, TRUSTEE, First Party, the BANK OF  
YSLETA, a corporation, Second Party, and the CITY OF EL PASO, Third  
Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a  
portion of Tract 23B, Block 29, and Tract 8A, Block 33, Ysleta Grant in  
the City of El Paso, El Paso County, Texas, such property being more  
particularly described in Ordinance No. 5508, now pending before the  
City Council of the City of El Paso, a copy of which is attached hereto,  
marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party  
covenants that if the property is rezoned as indicated in the attached ordi-  
nance, it shall be subject to the following restrictions, conditions and cove-  
nants:

1. First Party will, at no cost to the City, construct the following  
improvements:

- (a) Masonry screening walls along the northerly, southerly and  
westerly boundary of First Party's property, which walls  
shall be six feet in height above the finished grade of such  
property;
- (b) A facility for on-site ponding of flood waters on the prop-  
erty;
- (c) A concrete sidewalk along Yarbrough Drive parallel to the  
easterly boundary of the property.

2. Such improvements shall be constructed in accordance with plans  
and specifications to be approved by the City Engineer of the City of El Paso  
and must be completed by First Party and approved by the City Engineer  
prior to the issuance of certificates of occupancy and compliance for any  
buildings constructed on the property.

This agreement is a restriction, condition and covenant running with



the land and a charge and servitude thereon, and shall bind First Party and his successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Party is the owner and holder of recorded liens on the property and consents to this contract.

WITNESS the following signatures and seals:

John Muir Kipp, Trustee  
John Muir Kipp, Trustee

THE BANK OF YSLETA, a corporation

By

John Kipp  
President

ATTEST:

David Harlan  
Cashier

THE CITY OF EL PASO

By

David Harvey  
Mayor

ATTEST:

Wm Reeger  
City Clerk

Engineering Department  
DEVELOPMENT DIVISION  
COMMENTS

TO: PLANNING DEPARTMENT

DATE: June 7, 2004

FROM: Engineering Department

ADDRESS: 131 S. Yarbrough Dr.

ATTN: Kimberly Forsyth or  
Fred Lopez, Urban Planners

PROPOSED USE: Auto Repair


CASE NO.: ZON04-00070

ZONE: C-3/sc

REQUEST: Detailed Site Plan review,

LEGAL DESCRIPTION: Tract 23B, Blk 29, Ysleta Grant & Tract 814, Blk 33, Ysleta Grant

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Sidewalks will be required,
- ☒ 4. Grading plan and permit required, only asphalt or concrete will be approved for the remainder of the lot, if it will be accessed by vehicles.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☒ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☒ 8. On-site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed onto Yarbrough Dr.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is not located within the Special Flood Hazard Area. Zone C, Panel 44 B. A 6' high fence will be required abutting the Franklin Canal and the perimeter of the proposed Pond. The relocation of the Metal Beam Guardrail in relation with the proposed driveway needs to be coordinated with the Traffic and Street Dept.s.



Bashar Abugalyon, P. E.  
Interim Assistant City Engineer

DISTRICT: 67

HME

OHCC Action:

Approved: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

V/ Modification(s) \_\_\_\_\_

Denied \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Reason \_\_\_\_\_

abled \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Until \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Week(s) \_\_\_\_\_

o. Times Tabled \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_



## ENGINEERING DEPARTMENT

Traffic Division  
memorandum

TO: Jorge E. Rousselin  
Planning Department

FROM: Traffic Division

DATE: June 4, 2004

SUBJECT: ZON04 – 00070 131 S. Yarbrough  
Detailed Site Plan

---

Regarding the above referenced DCC item, the Traffic Division has the following comments:

- Driveway shall be improved to comply with City's Ordinance.
- Surface shall be upgraded to comply with City's Ordinance.

Should your office or the applicant have any questions or comments regarding these issues, please contact Pilo Guevara or Margarita Molina, at 541-4223.

## INTEROFFICE MEMORANDUM

To: Jorge Rousselin  
Urban Planner

From: El Paso Water Utilities – Engineering.

Date: June 25, 2004

Subject: ZON04 – 00070 (Detailed Site Plan)  
Tract 23B, Block 29, Ysleta Grant & Tract 8H, Block 33, Ysleta Grant, City of El Paso, El Paso County, Texas (the Property).  
Location: 131 S. Yarbrough (south of Alameda).  
Present: C-3/sc (Commercial/special; contract); vacant.  
Proposed Use: automotive repair

---

We have reviewed the detailed site plan described above and provide the following comments:

**Water:**

Along Yarbrough Drive between Cinecue Street and Alameda Avenue there is an existing eight (8) inch diameter water main. This main is located along the southernmost portion of Yarbrough Drive.

**Sanitary Sewer:**

Along Yarbrough Drive between Cinecue Street and Alameda Avenue there are no existing sanitary sewer mains.

**General:**

Water service for this Property is available from the above described water main located along Yarbrough Drive.

Sanitary sewer service for this Property is anticipated to be provided by constructing sanitary sewer mains from the intersection of Yarbrough Drive and Alameda Avenue, along Yarbrough Drive towards the Property.

Alameda Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Alameda Avenue right-of-way requires written permission from TxDOT.

In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the sanitary sewer main extensions to serve subject

June 16, 2004

Mr. Jorge E. Rousselin  
City of El Paso Planning  
Two Civic Center Plaza  
El Paso, TX 79901

Re: Case No. ZONO4-00070

Dear Mr. Rousselin:

My name is Bruce Poncio, part owner of 8116 Alameda, El Paso TX. I received the notification of zoning change for the above case number. My partner David Puente and myself are opposed to the rezoning due to the fact that the property in question is surrounded by residential zoning and the majority of the parcels dimensions are surrounded by R- zoning. The east boundary of the subject property which is also one of the largest sides of the property is fronted by C-1 zoning, C-3 would be an intrusion into what is primarily a residentially zoned area.

Thank you for your hearing of our concerns.

  
Bruce Poncio

# COPY

June 17, 2004

In December 2000-January 2001, Mr. Ricardo Olague came to our homes and presented a 3-D model of a residence and small business which he planned to build behind our properties. He requested we sign a letter of non-opposition to the model. Since it was within the current designated use for the property (residence/commercial) we were not opposed and signed the attached letters.

Subsequently in 2001 an application for rezoning was submitted for a car dealership that would cause a significant negative impact to our families, homes, neighborhood, and District.

Due to the change of use and representation of intent we retract our letters of non-opposition (see attachments) and strongly oppose the current plan.

Sincerely,

Name	Address	Phone	Signature
Abelardo Jurado	8057 Bowen Road El Paso, TX	859-3560	<i>Abelardo Jurado</i>
Juan Archuleta	8064 Bowen Road El Paso, TX	860-1124	<i>Juan Archuleta</i>
Bert Sherwood	8056 Bowen Road El Paso, TX	859-8155	<i>Bert Sherwood</i>
Mary Cooper	8052 Bowen Road El Paso, TX	859-6716	<i>Mary Cooper</i>
P. S. Montes	8065 Bowen Road El Paso, TX		<i>P. S. Montes</i>
Joel Gomez per Abelardo Jurado (father in law)	8043 Bowen Road El Paso, TX	478-2405	<i>Joel Gomez</i>
Ralph Solis	8048 Bowen Road El Paso, TX	858-6760	<i>Ralph Solis</i>
Joe Melendez	8049 Bowen Road El Paso, TX	859-6442	<i>Joe Melendez</i>

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

EL PASO, TX. DEC. 30, 2000.

TO WHOM IT MAY CONCERN:

DEAR SIRs:

WE, THE PEOPLE THAT LIVE BEHIND THE PROPERTY LOCATED  
AT 401 S. YARBOROUGH, EL PASO, TX., WHERE RICARDO OLAGUE  
PLANS TO BUILD IN THE LAND ABOVE MENTIONED, HEREBY, WE  
MANIFEST THAT WE DO NOT OPPOSE TO MR. OLAGUE'S PLANS.

Abelardo E. Jurado

8057-BOWEN. RA

EL Paso Texas

79915-

859-3560

1-6-01

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

RECEIVED

EL PASO, TX. DEC. 30, 2000.

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Mary Casper

8052 Bowen Rd.

El Paso 79915

859-6716

1-7-01

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

RECEIVED



EL PASO, TX. DEC. 30, 2000.

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BERT CHERWOOD  
3056 BOWEN Rd  
EL PASO, TX. 79915

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PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

RECEIVED

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*Ricardo Olague*

6043 Bowen Rd.

EL PASO, TX 79915

915 478-2405

01/06/01

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

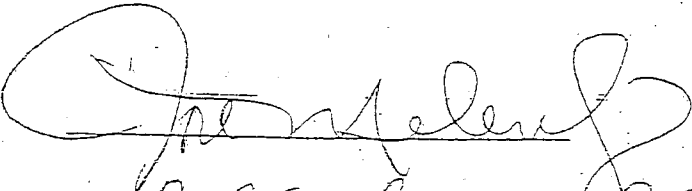
RECEIVED

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8045 BOWEN RD

EL PASO TX

79905

1-6-2001

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

RECEIVED

EL PASO, TX. DEC. 30, 2000.

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WE, THE PEOPLE THAT LIVE BEHIND THE PROPERTY LOCATED  
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P. L. Montes

8065 BOWEN Rd

EL PASO TEXAS

79915

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

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MANIFEST THAT WE DO NOT OPPOSE TO MR. OLAGUE'S PLANS.

Jim D. Ainsworth  
8064 Bowen Rd.  
El Paso, Texas 79905  
860-1129  
1-8-01

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

RECEIVED

EL PASO, TX. DEC. 30, 2000.

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Rafael Solis

8048 BOWEN

858-6760

1-6-01

PLANNING DEPARTMENT  
LAND DEVELOPMENT

JUN 17 2004

RECEIVED

July 7, 2004

**LUCERO  
MELLENDEZ**  
ARCHITECTS A.I.A. INC.

1325 MONTANA AVE.  
EL PASO, TEXAS 79902  
OFFICE FAX  
(915) 532-0066 (915) 532-0099

VENAC  
2914 E. Yandell, Space 3  
El Paso, Texas 79903

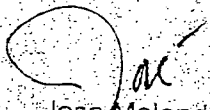
ATTN: Mr. Oscar Venegas  
RE: Property located at 131 S. Yarbrough  
Owner Ricardo Olague  
SUBJECT: Case No. ZON0400070

I have serious concerns with the unauthorized construction work on this site:

1. Work was started with the proper permit.
2. There was no topographic survey or drainage plan approved by the Planning Commission Committee.
3. This project is proceeding without the recommendation of the Planning Commission Committee.
4. The site was site was used last year as a junk yard.

I would appreciate your denial off this request since Mr. Olague has failed to comply with any of the City's requirements.

Thank You,

  
Jose Melendez AIA  
JM/elf

2004-00070